

**ST. GEORGE CITY COUNCIL MINUTES
JUNE 6, 2013, 4:00 P.M.
REGULAR MEETING
CITY COUNCIL CHAMBERS**

PRESENT:

Mayor Daniel McArthur
Councilmember Jon Pike
Councilmember Gail Bunker
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Support Services Manager Marc Mortensen
City Attorney Shawn Guzman
City Recorder Christina Fernandez

EXCUSED:

City Manager Gary Esplin
Councilmember Ben Nickle

OPENING:

Mayor McArthur called the meeting to order and welcomed all in attendance. The pledge of allegiance to the flag was led by City Attorney Shawn Guzman and the invocation was offered by Pastor Jimi Kestin.

Mayor McArthur read a proclamation announcing the week of June 15th as McQuarrie Memorial Week.

ROAD CLOSURE:

Consider approval of a road closure request for 75th Anniversary of the McQuarrie Memorial Museum. Daughters of Utah Pioneers, applicant.

Jeanine Vanderbergen with the Daughters of the Utah Pioneers Museum stated that on June 17th they will be holding a special event on the front lawn and would like to close the street during the program between 5:00 and 8:00 p.m.

Mayor McArthur stated he would like the City to assist with the road closure and cover the cost.

MOTION: A motion was made by Councilmember Almquist to approve the road closure.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

Mayor McArthur invited all the Scouts in the audience to introduce themselves.

Mayor McArthur invited Monty Thurber up to speak about the Road Respect Event.

Monty Thurber stated the City received an award for promoting safety and awareness of bicyclists. He asked the audience to sign the pledge and presented the award to Councilmember Pike, who with his family, attended the event.

Councilmember Almquist stated he is proud that the City has designated streets to keep cyclists safe.

TABLED ITEMS:

Mayor McArthur announced that item 6C to consider approval of a conditional use permit to construct a detached garage to a height of up to 20' behind the home located at 538 East Los Alamitos Drive in a R-1-10 zone has been tabled from the agenda.

HANGAR LEASE:

Consider approval of an airport hangar lease with Corporate Air Service for site #53C.

Marc Mortensen advised Corporate Air Service was moving from one site to another.

MOTION: A motion was made by Councilmember Bunker to approve the hangar lease.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye

Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

BID OPENING:

Consider award of bid for St. George Recreation Center floor remodel.

Budget and Financial Planning Manager Deanna Brklacich explained the bid is for the remodel and floor repair of the game room. Three bids were received; the lowest being from Chapman Construction in the amount of \$56,037.00.

MOTION: A motion was made by Councilmember Almquist to award the bid to Chapman Construction in the amount of \$56,307.00.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

BID OPENING:

Consider award of bid for 80 tons of Rye Grass Seed for Golf Courses and Softball Fields.

Budget and Financial Planning Manager Deanna Brklacich explained the bid is for the annual purchase of rye grass seed. The seed will be purchased in the next fiscal year; however, because this type of seed is hard to acquire, the City needs to order it as soon as possible. Three bids were received, the lowest being from Helena Chemicals and will not exceed \$176,000.00. The amount of seed has increased from 80 to 84 tons from previous years.

MOTION: A motion was made by Councilmember Pike to award the bid to purchase 84 tons of Rye Grass Seed not to exceed \$176,000.00.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

AGREEMENT:

Consider approval of an engineering services contract with Horrocks Engineering for the Mall Drive Bridge.

Budget and Financial Planning Manager Deanna Brklacich advised this request is a continuation of work on the Mall Drive Bridge which is a top priority project. The amount of the contract is \$472,431.00.

Public Works Director Larry Bulloch explained the city has been talking about building this bridge for approximately six years, but the project was put on hold because of the Airport. The project budget has been established and a funding program is being developed. In an effort to reduce the costs, there have been two independent engineering studies done and the City has asked Horrocks Engineering to reevaluate their design. The request is to implement the cost saving ideas that were identified. Construction is set to begin this summer.

Mayor McArthur stated the main thing is to get the bridge across the river.

Mr. Bulloch presented a map showing where the bridge will be. He stated it will be over 600 feet long across the river to 3000 East. The City will build the bridge and is currently working with property owners to build the road. He explained some of the cost saving ideas. The bridge will be five lanes wide.

MOTION: A motion was made by Councilmember Pike to approve the agreement.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for a replacement bus for the Transit Division.

Budget and Financial Planning Manager Deanna Brklacich advised in the current budget year, the Transit Division was approved a new 18 passenger van; however since the engine blew on one of the 21 passenger busses, the Public Works Department is requesting to purchase a new bus rather than a van. This is a sole source bid with Hoglund Bus Company in Minnesota. The City gets the benefit of a state contract with Minnesota. Suntran is partially funded by the FTA, therefore the City's portion will be 20% which is \$22,951.00.

MOTION: A motion was made by Councilmember Almquist to award the bid for the purchase of the Suntran bus in the amount of \$22,951.00.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

AGREEMENT:

Consider approval on a maintenance agreement with Vaisala to maintain aviation equipment at the Airport.

Budget and Financial Planning Manager Deanna Brklacich advised this request is for a sole source bid for a 3 year agreement with Vaisala in the amount of \$59,580.00. Vaisala helped with the installation of the weather stations and navigational aids and is overseeing the maintenance currently. The City is required to have a maintenance agreement.

MOTION: A motion was made by Councilmember Hughes to approve the agreement with Vaisala to maintain the aviation equipment at the Airport in the amount of \$59,580.00.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

ROAD CLOSURE:

Consider approval of a road closure, with assistance, request for a Flag Day event. Tim Murray, Dixie Elks Lodge, applicant.

Tim Murray, applicant, explained the event is an annual event to show patriotism and to teach the public about flag retirement that is free to the public. The event will take place at Town Square. They are requesting to close the shoulder to properly retire worn out flags by burning them.

Mayor McArthur explained the applicant would need to show proof of insurance prior to the event. In addition he would like the City to be a sponsor and assist with the closure.

City Attorney Shawn Guzman explained if the City is a sponsor, the requirement for additional insurance would be waived. He advised the applicants that they need to bring in the proper paperwork to prove they have insurance.

MOTION: A motion was made by Councilmember Pike to approve the partial road closure and waive the fees as long as the applicant gets the required insurance.

SECOND: The motion was seconded by Councilmember Almquist.
VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

FEE WAIVER:

Consider approval of a fee waiver for the use of Town Square for a benefit concert. Rebekah Pectol, United Way, applicant.

Marc Mortensen stated Mike Wilson will be performing at the concert.

Rebekah Pectol, applicant, advised the United Way has allocated \$350,000.00 to 17 non-profit agencies in the community. She explained the artist approached her just under a month ago and she has seen great support from the community. The United Way has a policy in which any donations they receive go back into the community. She is requesting a fee waiver for the use of Town Square.

MOTION: A motion was made by Councilmember Bunker to approve the fee waiver for the use of Town Square.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

BEER LICENSE:

Consider approval for an on premise beer license for Jazzy's Rock N Roll Grill located at 1973 West Sunset Boulevard #F. Reid Smeltzer, applicant.

Marc Mortensen advised additional approvals need to take place regarding zone requirements.

City Attorney Shawn Guzman explained if the request is approved, the applicants would still need to resolve the parking and zoning issues prior to opening the business.

Reid Smeltzer stated he has owned Jazzy's for nineteen years. When he heard the plans for widening Bluff Street, he wanted to plan for the future and move his business to another location on Sunset Boulevard. He plans on staying in both locations until the Bluff Street project moves forward.

MOTION: A motion was made by Councilmember Hughes to approve the beer license.

SECOND: The motion was seconded by Councilmember Pike with the conditions upon zoning and legal issues.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/AMENDED FINAL PLAT:

Public hearing to consider approval of an amended final plat for Tonaquint Terrace Phase #2, 2nd Amended and Extended.

Todd Jacobsen stated the purpose of this final plat amendment is to add a 20 foot wide strip of land that will also be a public utility and drainage easement.

Mayor McArthur opened the public hearing. There being no public comment, he closed the public hearing.

MOTION: A motion was made by Councilmember Bunker to approve the final plat of Tonaquint Terrace Phase 2.

SECOND: The motion was seconded by Councilmember Pike.

VOTE: Mayor McArthur called for a vote, as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PUBLIC HEARING:

Public hearing to receive public input on the Fiscal Year 2013-2014 budget.

Mayor McArthur advised the budget is not being adopted tonight and that it is on the City's website for viewing.

Marc Mortensen stated a copy of the budget is also available in print in the City Recorder's Office.

Mayor McArthur opened the public hearing.

Mayor McArthur explained the budget has to be in place by July 1st.

Marc Mortensen stated the State requires the City to hold one public hearing; however the City holds two. The second will be next Thursday.

William Way, resident of St. George, stated he wanted clarification on three accounts in the 4110 budget. He asked what is included in the following accounts: 2100, subscriptions and memberships; 6100, sundry charges; and 2300, travel and training.

Mayor McArthur asked Budget and Financial Planning Manager Deanna Brklacich to address Mr. Way.

Deanna Brklacich explained the majority of the 2100, subscriptions and memberships budget is for the Utah Cities and Towns who represent the City with the State; the cost is based on population and sales tax. Sundry charges, the 6100 account, is used for sponsorships such as Ironman, Huntsman World Senior Games, St. George Magazine as well as numerous others. Travel and training, the 2300 account is based upon historical expenses and is used to pay the cost for the Mayor and City Council to attend the Utah League of Cities and Towns conferences as well as legislative conferences.

Ed Baca, citizen of St. George, stated he wanted to give recognition to efforts the City has made with prioritizing items in the budget particularly with regards to transportation in the development of Mall Drive Bridge. He would like the City to continue with expanding the Children's Museum.

Councilmember Almquist explained one of the reasons the Mayor and City Council travel to meet with other agencies and municipalities is to learn what grants may be available to the City.

Mayor McArthur stated the City may benefit more by what is learned at a particular meeting, than it would cost to travel there.

REPORT FROM HILLSIDE RECLAMATION COMMITTEE:

Report from the Hillside Reclamation Committee regarding reclamation of the West Black Hill.

Mayor McArthur explained how the committee came about. He introduced Jennifer Kraft, Chairman of the Hillside Reclamation Committee.

Jennifer Kraft explained the committee consists of 10 individuals asked by Mayor McArthur to make recommendations on fixing the scar on the hillside. She presented a power point presentation that covered the following topics: Black Hill Hillside Reclamation; Hillside Reclamation Committee; The Scar Consists of Two Parcels; row of 16 Townhomes & 25 ft. Private Road; 6.7 Acre Red Scar; 6.7 Acre with Rendering; Aerial View; 900' Long "eyebrow" cut on City Property; Existing Profile; Slope Contour after Transfer of Rocks & Soil; Areas of restoration to original habitat; Cost Estimate for 600 ft.; Shotcrete or Gunite; With Scar Removed.

Mayor McArthur explained the committee is recommending to cover portions of the scar with a development of some sort. He recommended the City set funds aside to

repair the scar which happened 26 years ago. The City received a \$50,000.00 donation to help with the project if the City decides to move forward with the repair.

Councilmember Pike stated he is in favor of moving forward.

Councilmember Almquist explained as the hill is excavated, there will be additional rock that can be used. Parts of the scar have already been repaired. He worries a bit about erosion of the road that will be left in the area. The City did not own the property when it was cut but he would like the City to completely restore the hillside.

Councilmember Bunker stated she feels the committee has come up with viable options to repair the hillside. If the community can help as well, that would be great.

Mayor McArthur asked Marc Mortensen to move ahead with the project.

SET PUBLIC HEARING:

City Planner Ray Snyder advised that the Planning Commission, at its meeting held May 28, 2013, recommended that public hearings be scheduled for June 20, 2013 to consider a zone change request from PD-R to OP and to amend the "Fossil Hills PD Master Plan" by deleting 23.69 acres of PD-R zoning and replacing it with OS zoning. The owner is SITLA and the representative is Progressive Contracting, Inc., Mr. Russell Limb.

MOTION: A motion was made by Councilmember Pike to set the public hearings as recommended.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

FINAL PLAT:

Todd Jacobsen presented a final plat for The Cliffs at Snow Canyon, a one lot residential single family subdivision located at 3052 Snow Canyon Parkway.

MOTION: A motion was made by Councilmember Bunker to approve the plat and authorize the Mayor to sign it.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Zions Bank to create two commercial lots located at 717 South River Road, zoning is AP and C-2. Lot 1 is 1.22 acres and lot 2 is 0.73 acres. The developer is proposing a cross access agreement and a shared parking agreement between the two lots. Currently, the property line between the two parcels extends through the middle of the existing bank. This plat will locate the property line in a more suitable location.

MOTION: A motion was made by Councilmember Almquist to approve the preliminary plat.

SECOND: The motion was seconded by Councilmember Pike.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Stone Cliff - Phase 12, a two lot residential subdivision on 1.57 acres located along the private street Pinnacle Drive at the top of Stone Cliff on the south end, zoning is PD-R. All roadway improvements have been installed along the frontage. The developer will be required to extend the

existing sewer line and add rock walls. The Planning Commission approved the request in January; however, the Water Department is requesting the developer donate the adjacent property to the City since a City water tank sits on the property. The owner wanted to think about it. Mr. Traveller owns the property with other individuals and feels now is not the time to donate the property to the City.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat.

SECOND: The motion was seconded by Councilmember Pike.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried

HILLSIDE DEVELOPMENT PERMIT:

Ray Snyder presented a request for a hillside development permit for a proposed residential subdivision to create thirty-three single family residential lots called Kachina Cliffs Phase 3 on approximately 23 acres, zoning is PD-R. He explained this request went before the Hillside Review Board in May and they recommended approval of the rock fall mitigation plan as presented and to condition the hillside permit to require legal access to maintain the drainage. The developer shall construct a ditch behind lots 30 and 31 and additional boulders to mitigate rock fall potential. The Planning Commission recommends approval with the Hillside Review Board's comments and conditions.

Scott Duffin with Horrocks Engineering advised there is a trench that is dug into the ground so if a rock falls, it will fall into the ditch. He stated AGEC has used this method previously and have been very careful and methodical in calculating the falling rock.

MOTION: A motion was made by Councilmember Almquist to grant the hillside development permit and include the findings of the rock fall hazard report that was sent to the City.

SECOND: The motion was seconded by Councilmember Hughes.

Councilmember Bunker inquired how will it be known that the area remain a no disturb zone.

Mr. Duffin replied the plat will have to be noted.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried

CONDITIONAL USE PERMIT:

Consider approval to amend a conditional use permit to add "substance abuse treatment" and "other behavioral addictions" to the approved treatment program at Desert Solace located at 4200 North 1239 West and to increase the maximum occupancy. Mark Jorgensen, applicant.

Ray Snyder explained Desert Solace has been in operation since 2012 as a marriage and family rehabilitation center. The applicant would like to add substance abuse and other behavioral addictions to the treatment program. In addition, the applicant would like to increase the approved occupancy from 10 to 16 people.

Councilmember Hughes advised no one commented at the Planning Commission Meeting. He stated the applicants found that some individuals have cross addictions and would like to treat all addictions at the same time. In addition, insurance companies may not always allow for payment of certain treatment. He spoke with neighbors of the facility and they were not aware the facility was there.

Mr. Snyder provided a community impact report.

Mark Jorgensen, applicant, stated the treatment protocol will not change.

MOTION: A motion was made by Councilmember Hughes to approve the conditional use permit to include substance abuse treatment and other behavioral addictions as approved by the Planning Commission as well as increasing the occupancy from 10 to 16.

SECOND: The motion was seconded by Councilmember Almquist.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

**CONSERVATION MANAGEMENT PLAN:
Consider approval to initiate Stage I of the drought management plan.**

Rene Fleming, W&E Conservation Coordinator, stated this is a routine request for the summer months to raise awareness for the need to conserve, specifically with respect to outdoor watering. She explained the request applies specifically to culinary water. She asked for a mandatory watering restriction of day time watering and watering be allowed between 8:00 p.m. and 8:00 a.m. She said the restrictions would not apply to use of irrigation quality water or to reuse water.

Mayor McArthur commented it is great to ask the community to conserve water.

Ms. Fleming said citizens can take advantage of the free Lawn Water Audit program by calling Julie at 673-3617 to make an appointment for someone to come and assess their landscaping system. Washington County is looking to add other programs in the near future. If the City does not have a program, Washington County may.

MOTION: A motion was made by Councilmember Hughes to approve the request to enter Stage I of the Drought Management Plan.

SECOND: The motion was seconded by Councilmember Pike.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes of the City Council meeting held on May 9, 2013.

MOTION: A motion was made by Councilmember Bunker to approve the minutes.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

APPOINTMENTS:

Appointments to boards and commissions of the City.

Mayor McArthur advised he would like to appoint Ron Larsen, James Dotson and James Sullivan to the Hillside Review Board and Paul Iverson and Doug Alder to the Historic Preservation Board. All are four year terms.

MOTION: A motion was made by Councilmember Almquist to approve the appointments.

SECOND: The motion was seconded by Councilmember Pike.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

ADJOURN TO CLOSED SESSION:

MOTION: A motion was made by Councilmember Bunker to adjourn to a closed session to discuss possible litigation.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor McArthur called for a roll call vote as follows:

Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

RECONVENE AND ADJOURN:

MOTION: A motion was made by Councilmember Almquist to reconvene and adjourn.

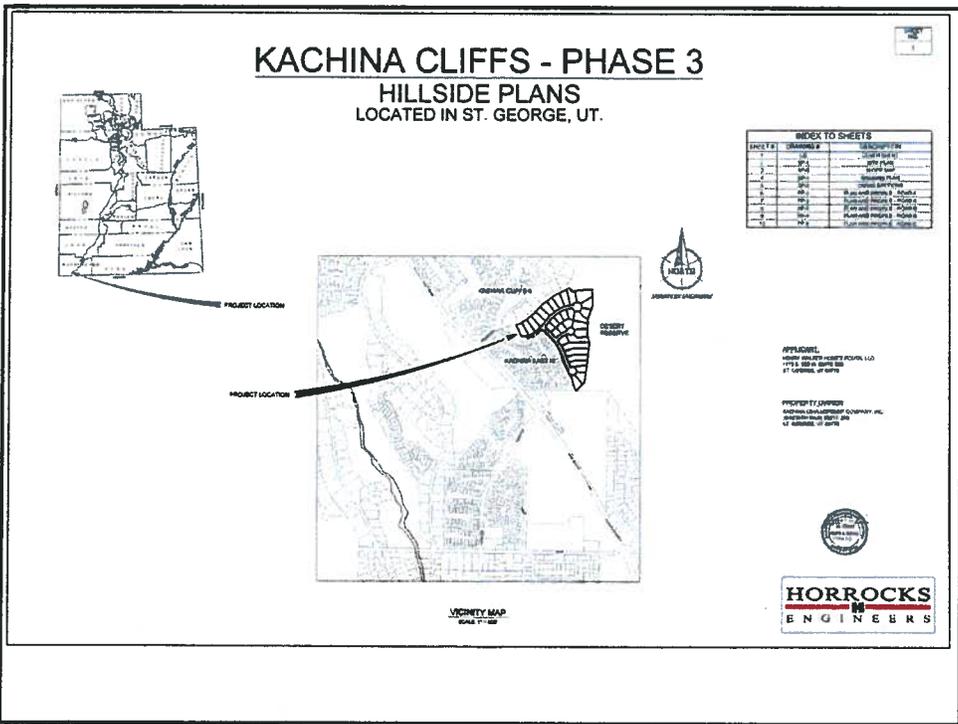
SECOND: The motion was seconded by Councilmember Pike.

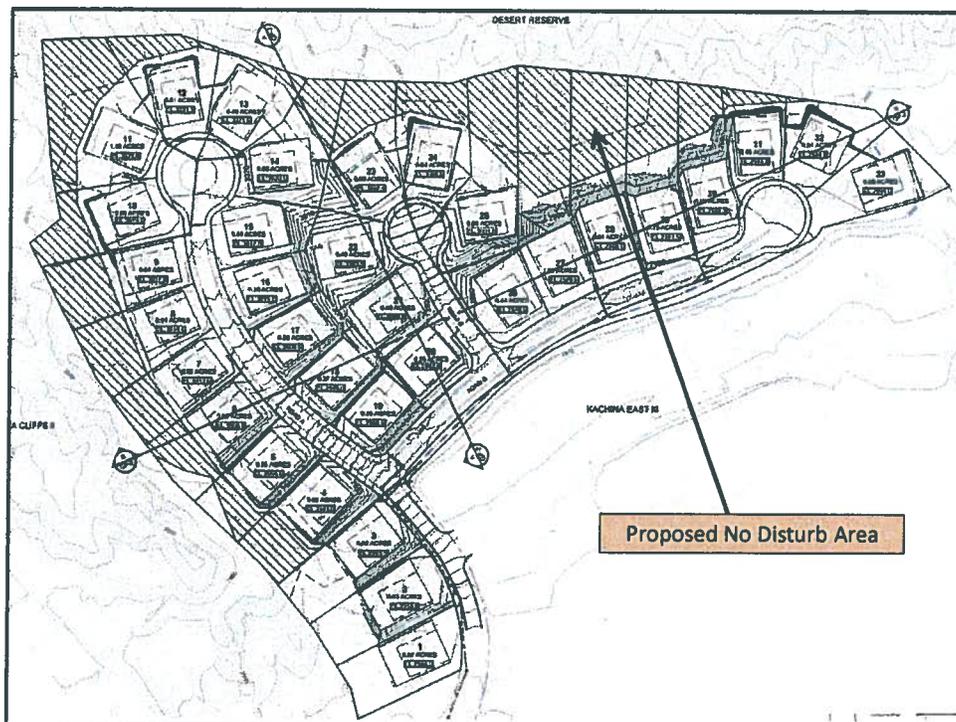
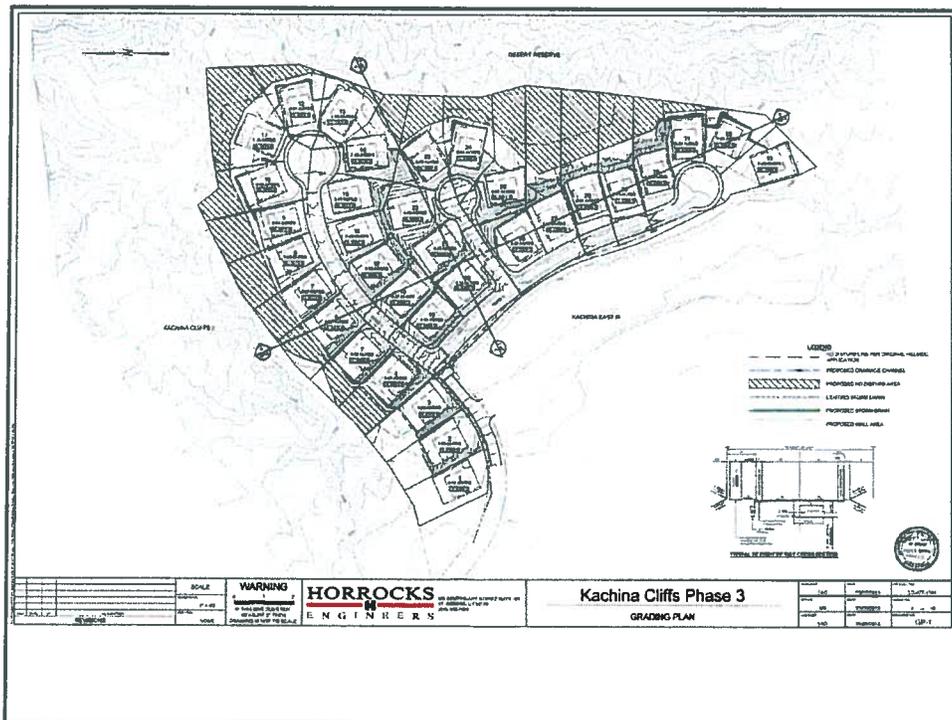
VOTE: Mayor McArthur called for a vote as follows:

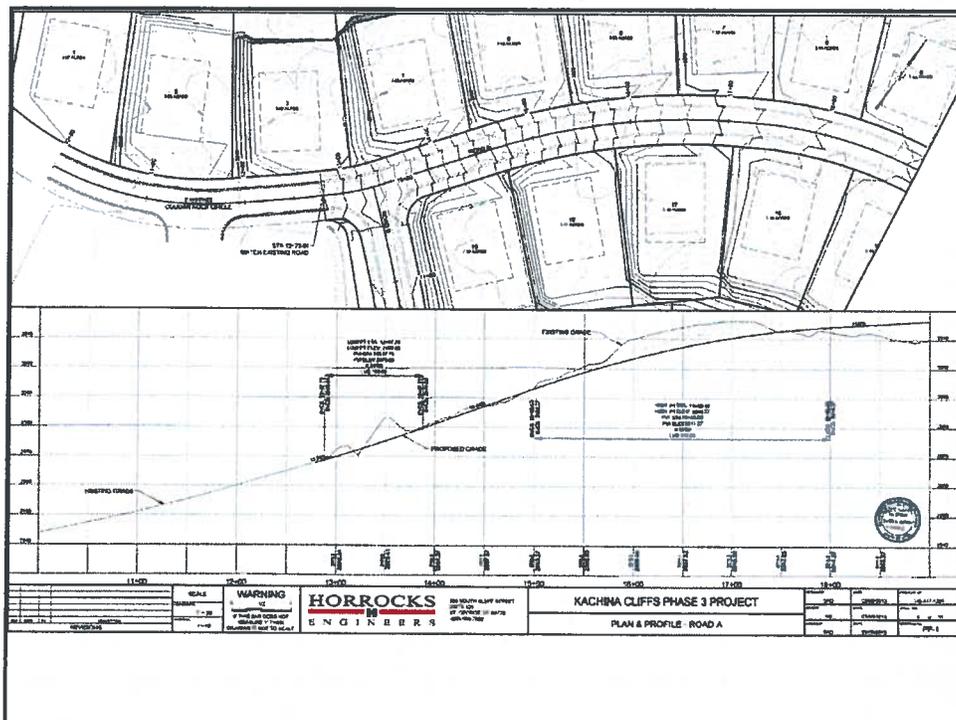
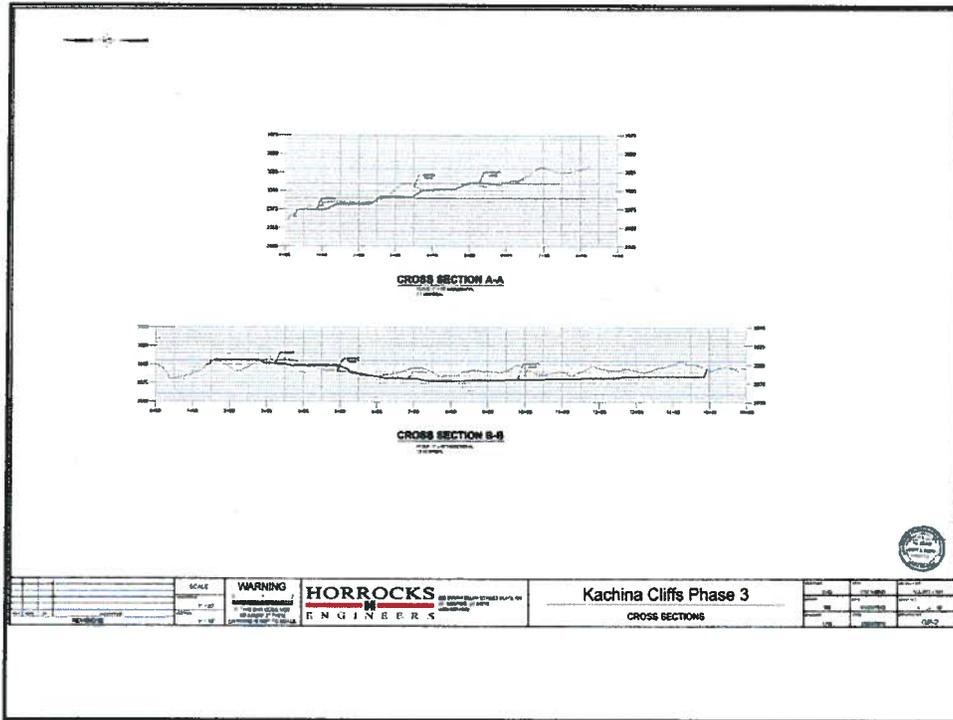
Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Pike - aye
Councilmember Hughes - aye

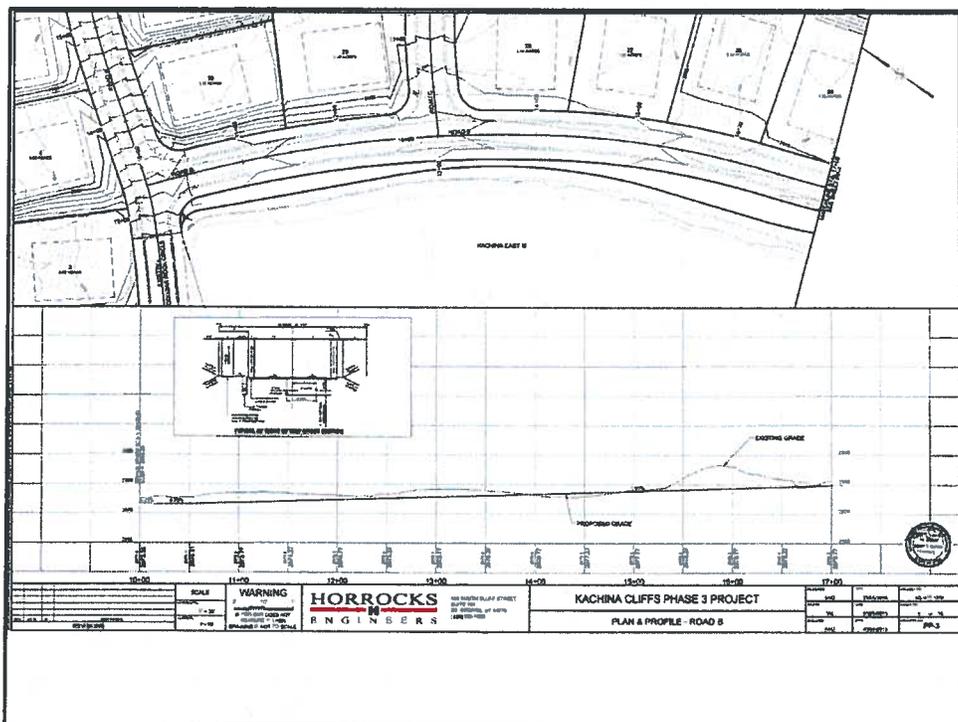
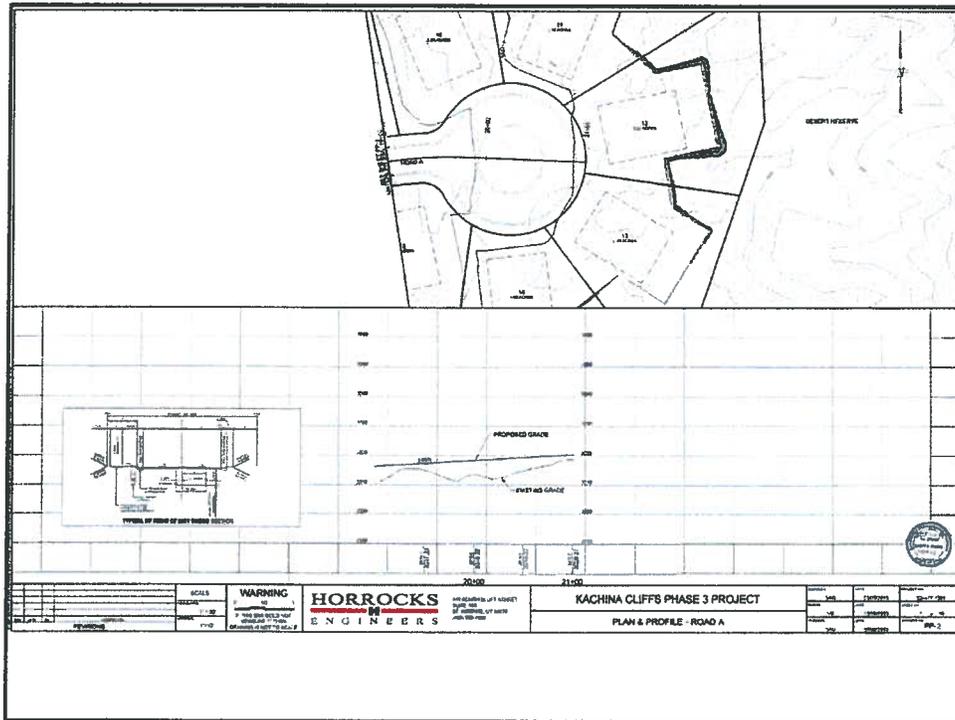
The vote was unanimous and the motion carried.

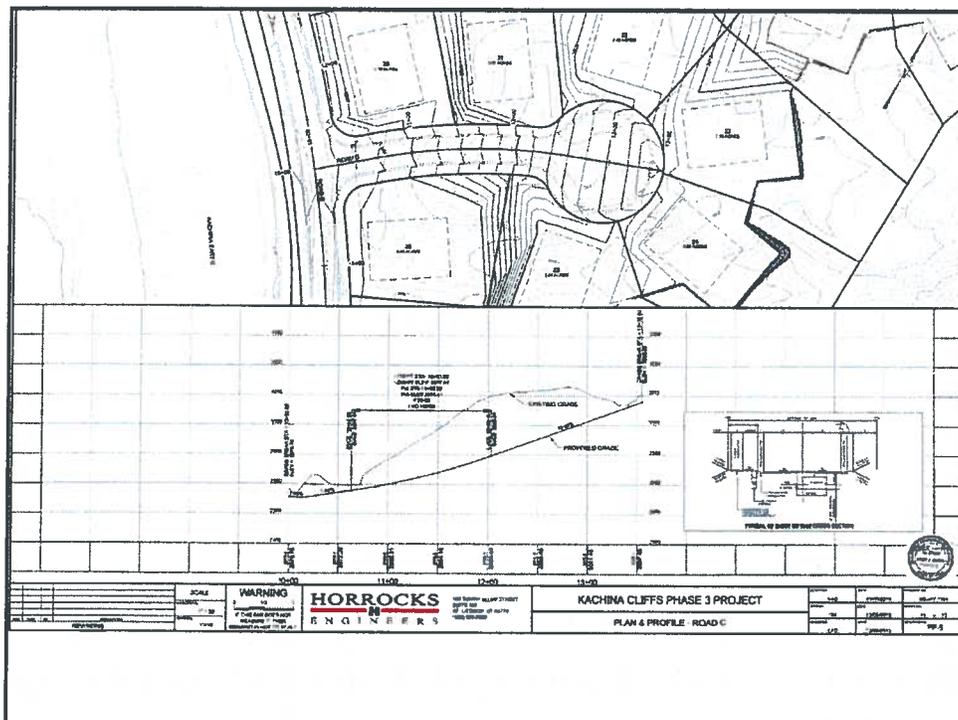
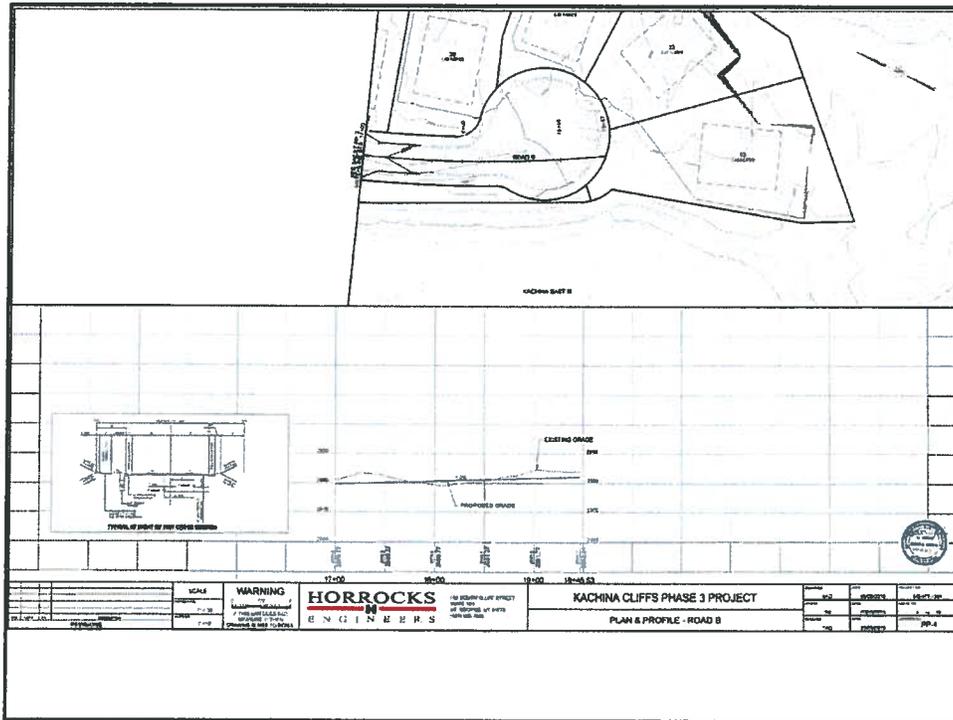
2013-HS-002 Kachina Cliffs Ph 3



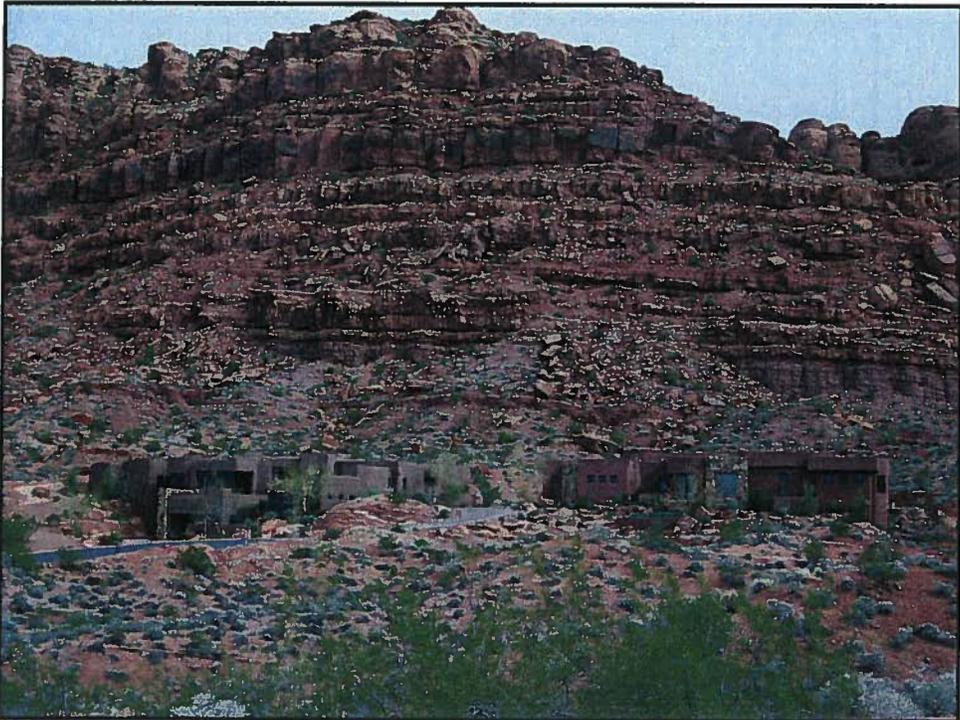
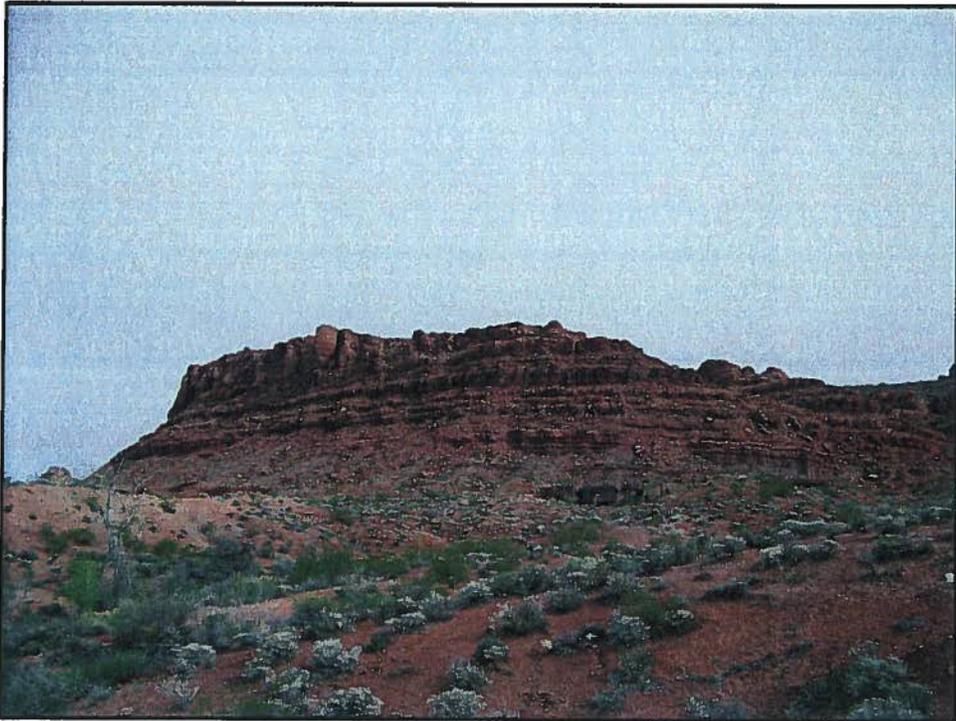


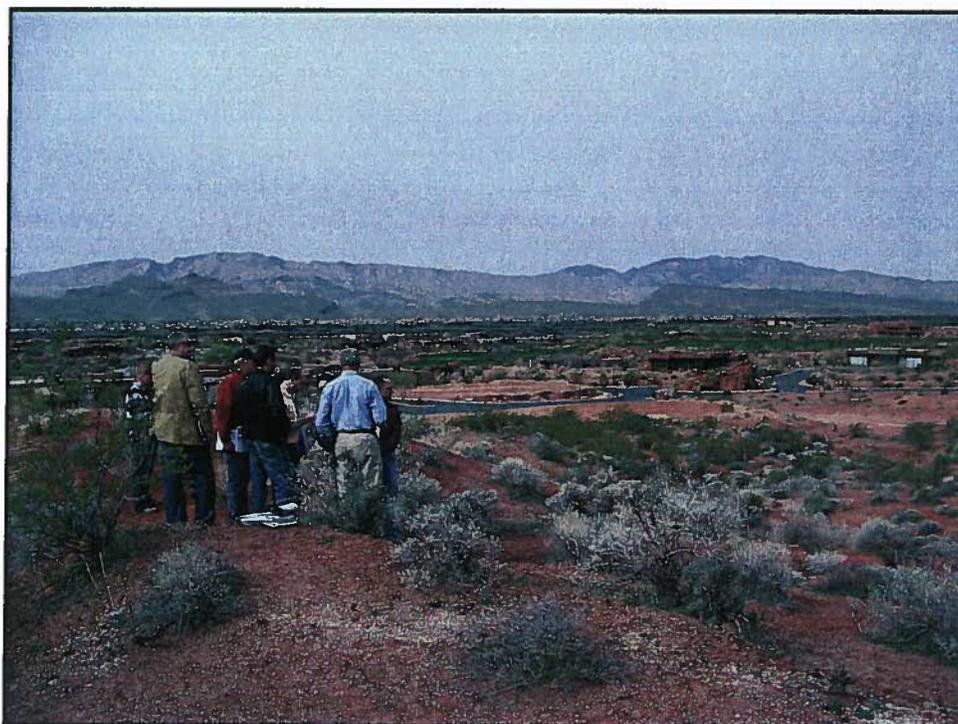














AGEC

Applied GeoTech

May 9, 2013

Henry Walker Homes
 1173 South 250 West, Suite 503D
 St. George, Utah 84770

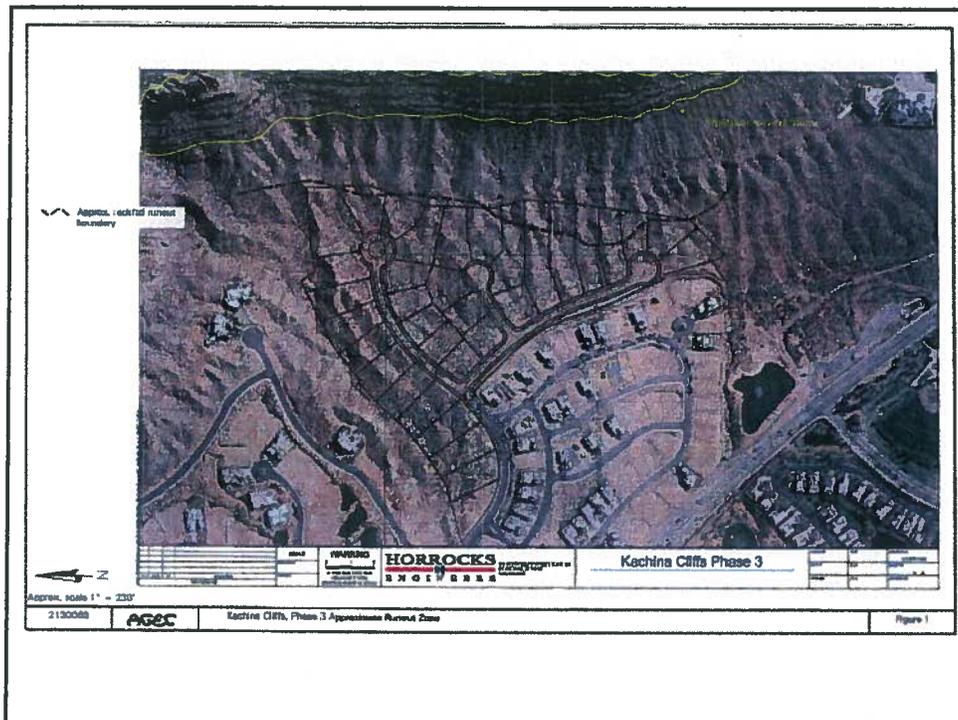
Attention: Tyler Myers

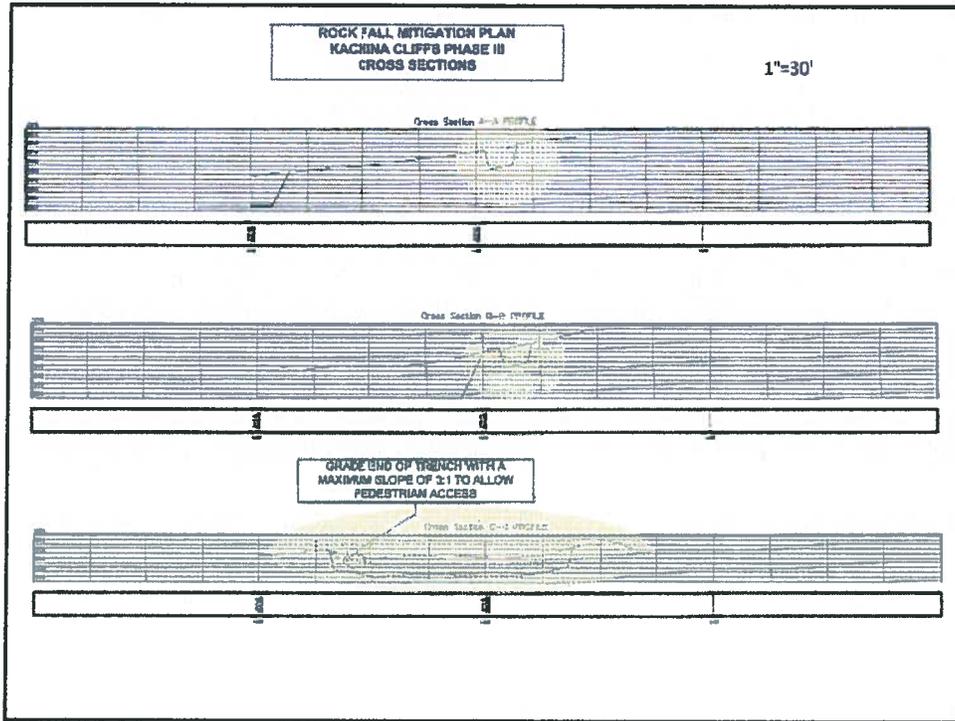
Subject: Rockfall Hazard Mitigation
 Kachina Cliffs, Phase 3
 St. George, Utah
 Project No. 2130068

- References:
1. "Hillside Review, Geologic Hazard Assessment and Geotechnical Investigation, Kachina Cliffs, Phase 3", prepared by Applied Geotechnical Engineering Consultants, Inc., project No. 2130068, dated March 6, 2013.
 2. "Rockfall Hazard Assessment, Kachina Cliffs, Phase 3", prepared by Applied Geotechnical Engineering Consultants, Inc., project No. 2130068, dated April 16, 2013.

Gentlemen:

Applied Geotechnical Engineering Consultants, Inc. (AGEC) was requested to evaluate rockfall hazard mitigation for Kachina Cliffs, Phase 3 located in St. George, Utah.



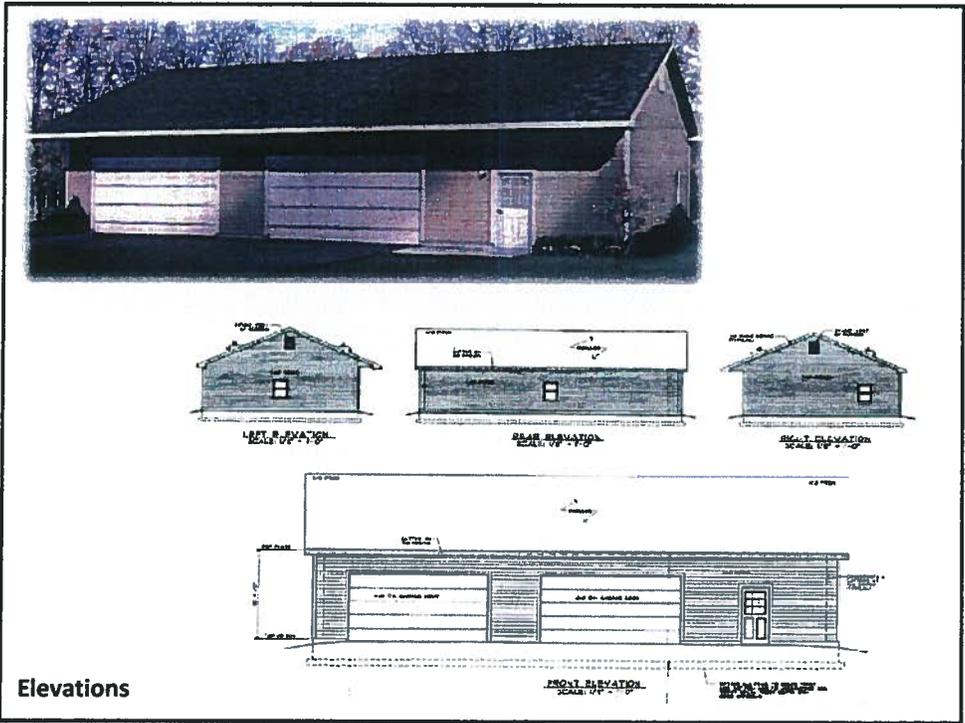


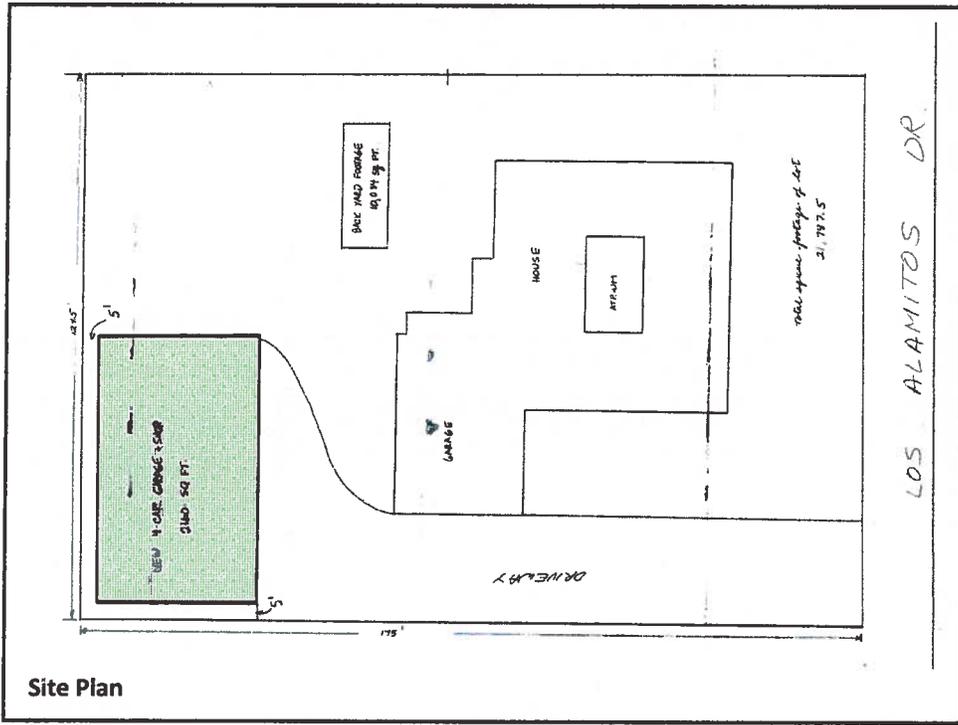
2013-CUP-008

538 W. Los Alamitos
Mr. Charles James

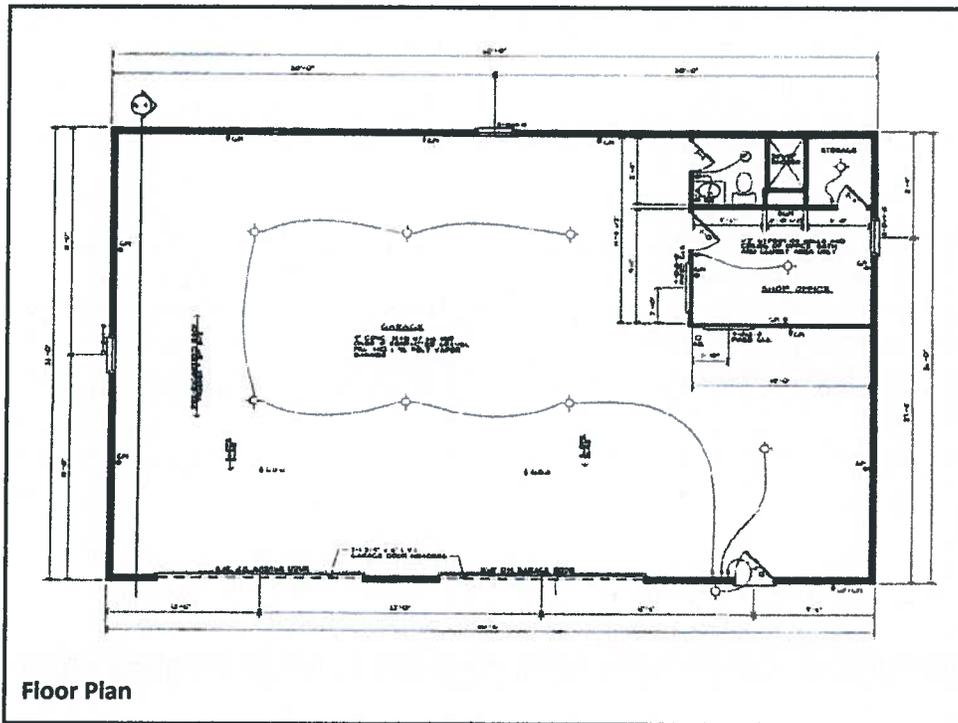


Vicinity & Zoning Map





Site Plan



Floor Plan

2013-CUP-006
(Reference 2012-CUP-005)
Amend Desert Solace CUP

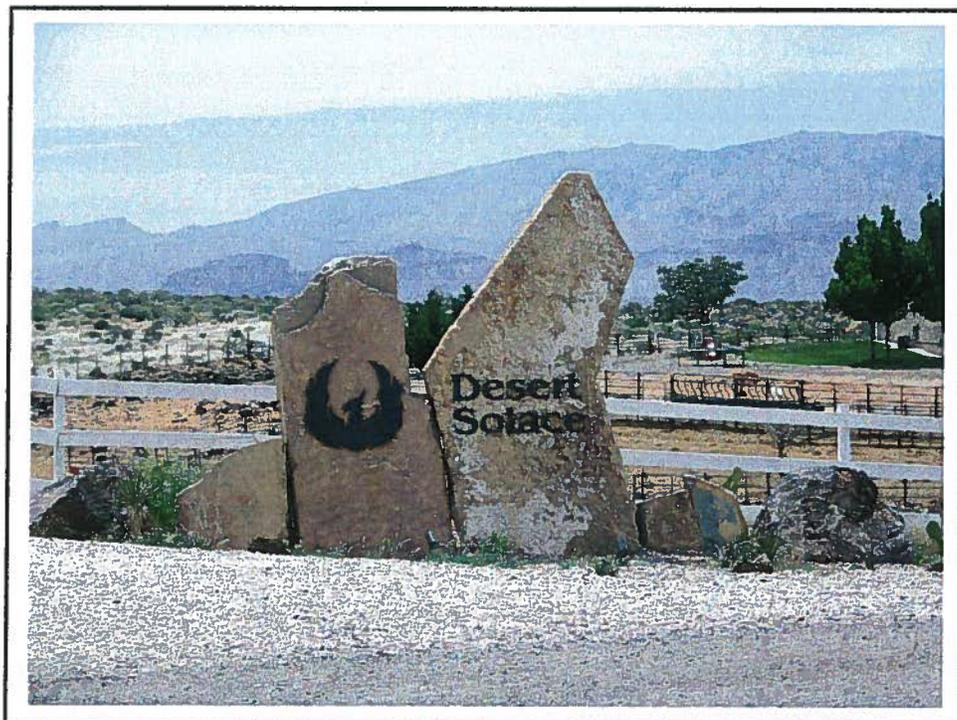
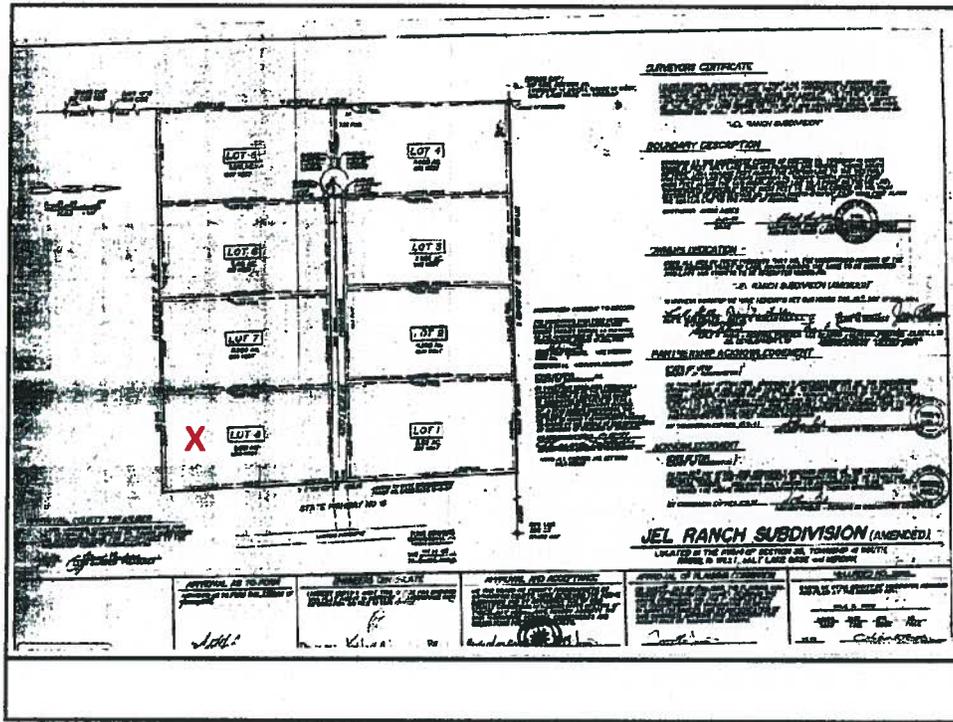
JEL Lot 8
4200 N 1239 W

2013 Request:

To amend a previously approved conditional use permit to operate an adult residential treatment facility titled “Desert Solace.” This amendment is to add treatment of substance abuse and/or other applicable co-existing addictions to the previous approval. The applicant also wishes to increase the occupancy from 10 to 16.

Background:

Desert Solace has been in operation since June 2012 as a marriage and family rehabilitation center. The residential clients are men whose marriage and family have been threatened by their addiction to pornography and other destructive behavior. The facility would now like to include addiction and gambling, and other behavioral addictions.



2012 Request:

To establish and operate an adult residential treatment facility titled "**Desert Solace.**"

Program:

The applicant proposes to operate a 60 day residential treatment program that will operate as a marriage and rehabilitation center. The clients will be men whose marriage and family relationships are threatened by their addiction to pornography and other destructive behaviors. The facility will not treat drug, alcohol, and chemical addiction. Any clients with substance abuse must be free of chemical dependence to be admitted into the program.

Maximum clients:

The applicant proposes a maximum capacity of ten (10) adults. This is as defined by the Utah Department of Human Services Office of Licensing Residential Rules.

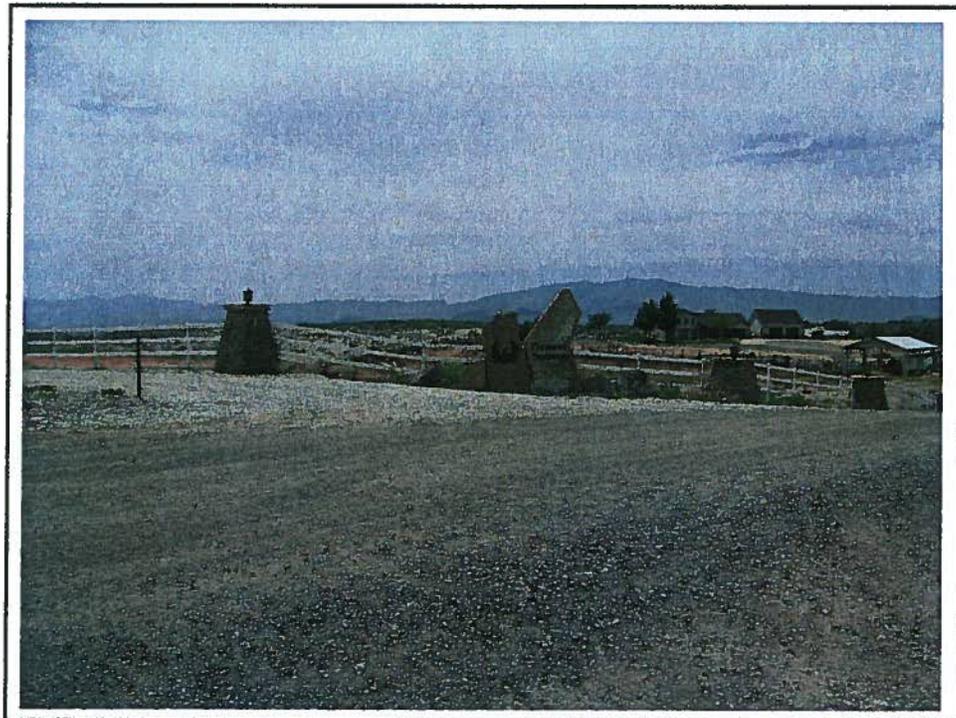
Hours / days:

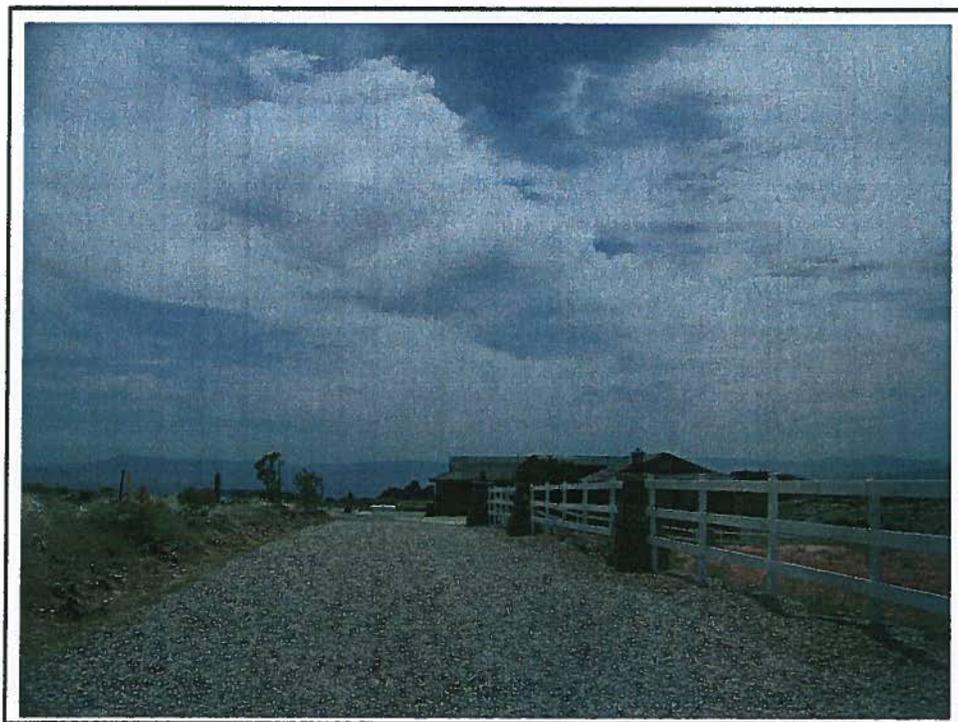
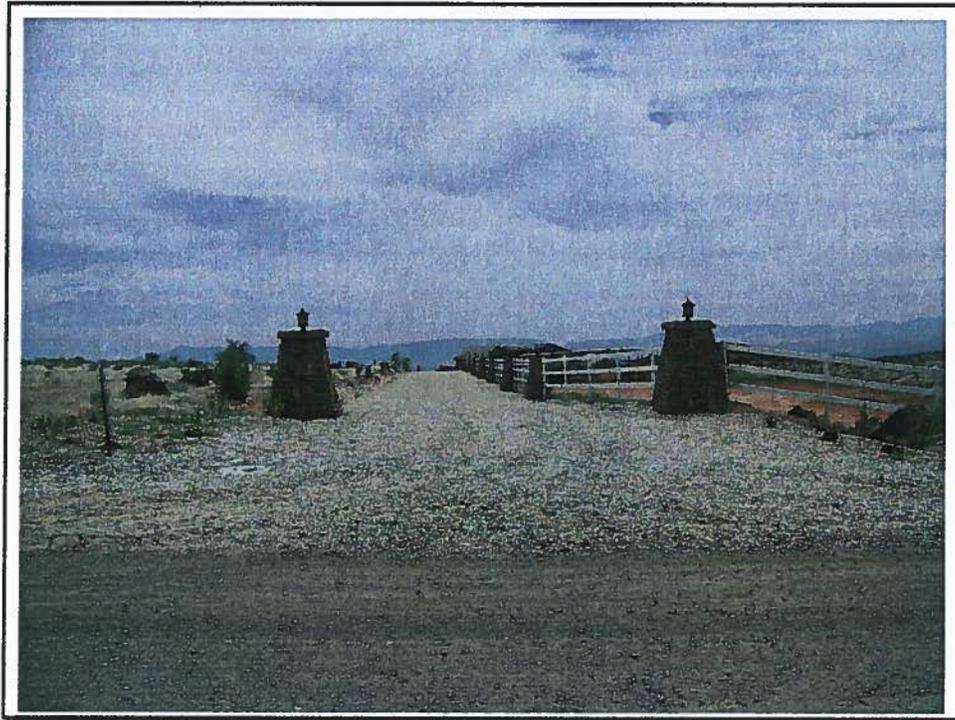
This facility would operate 24/7.

2013 Program Amendment:

In 2012 the applicant proposed to operate a 60 day residential treatment program that would operate as a marriage and rehabilitation center. The clients would be men whose marriage and family relationships are threatened by their addiction to pornography and other destructive behaviors.

Originally in 2012 the applicant stated that the facility would not treat drug, alcohol, and chemical addiction and that any clients with substance abuse must be free of chemical dependence to be admitted into the program. However, in 2013 after operating for a year the applicant is returning and requesting that this CUP be amended to permit treatment of co-existing addictions.





Ordinance:

This is an agricultural zone, but a single family residence is permitted on a 5 acre parcel per Section 10-5-2.

Per Section 10-5-3, a **residential treatment facility** is a conditional use (CUP) subject to the following:

Residential treatment facility in the A-5, A-10, A-20 zones only (defined as a 24 hour group living environment for more than 8 persons unrelated to the owner or provider that offers room or board and specialized treatment or rehabilitation services for persons with emotional, psychological or developmental dysfunctions, impairments or chemical dependencies), subject to the following requirements:

A. **Facility is licensed by the Utah Department of Human Services.**

B. **The police department shall be notified prior to placement of convicted felons in such facility.**

C. **A minimum lot size of five (5) acres is provided and a minimum six hundred foot (600') separation shall be maintained between residential treatment facilities, schools, and establishments licensed to sell beer or alcoholic beverages.**

- D.** *The applicant shall pay the applicable **business license fees** as set by the city council and shall also provide a statement demonstrating the capability of the applicant, through insurance, bonds, financial reserves or an immediately available line of credit to ensure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility.*
- E.** *A **community impact study** shall be provided by the applicant as part of the application for the conditional use permit. The community impact study shall specifically describe the programs provided and evaluate the impact of the residential treatment facility on local schools, the city's economy and economic resources, public safety and law enforcement, aesthetics, tourism, and neighboring properties and businesses, including the impact on property values, if any, and the impact of any other uses within or proposed to be used within the same building or facility to be used as a residential treatment facility. The community impact study shall be prepared by an independent, professional firm qualified*

COMMUNITY IMPACT REPORT

For



Desert Solace

Mark Jorgensen, Managing Director

Prepared by

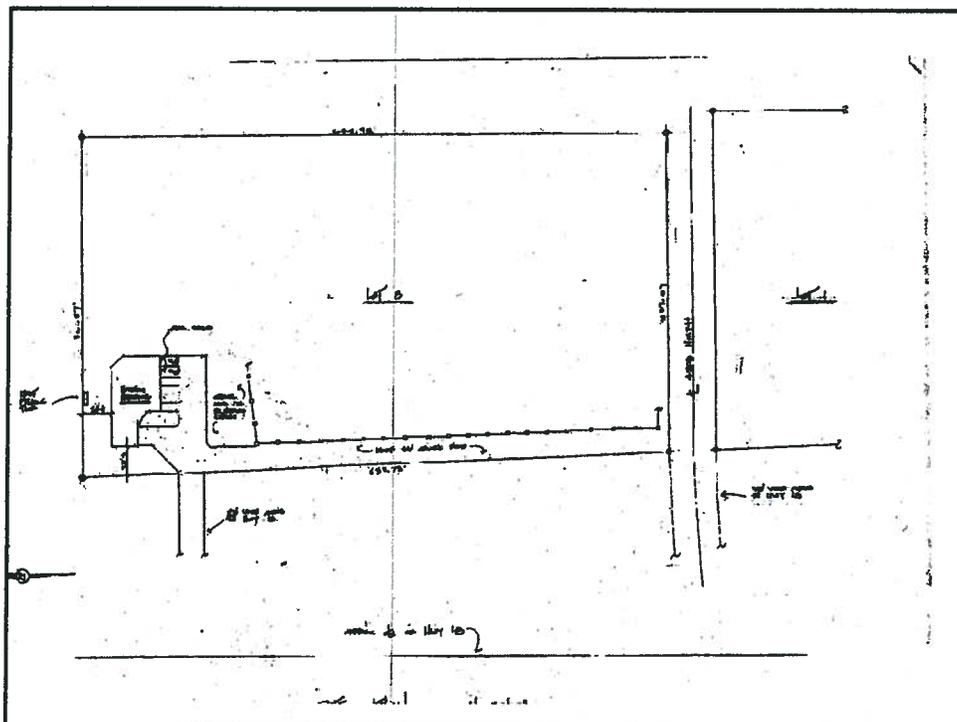
HintonBurdick CPA's & Advisors

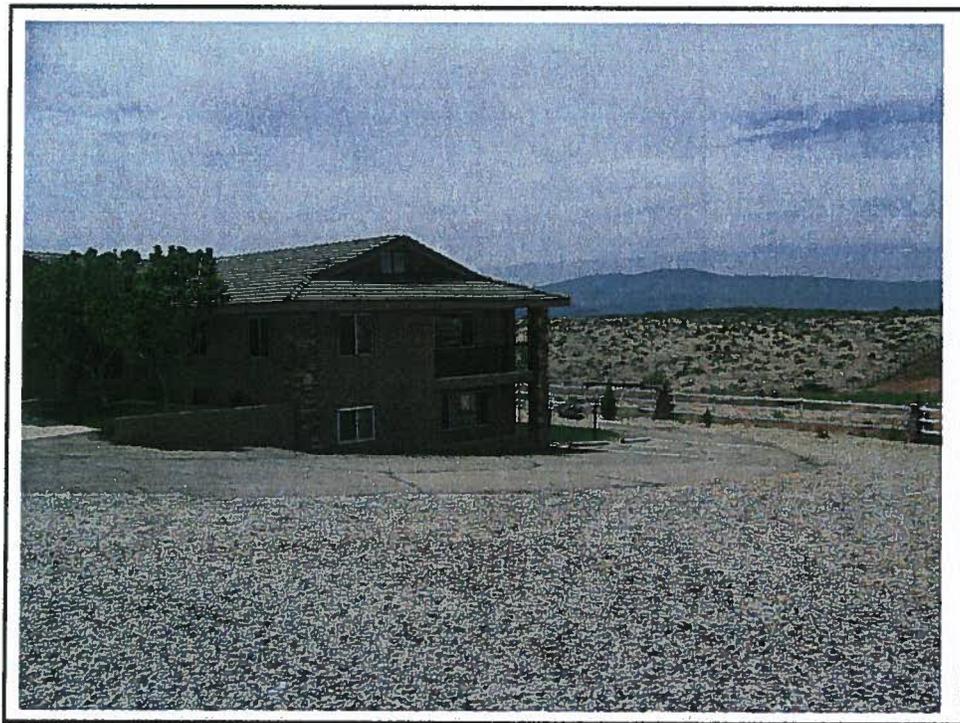
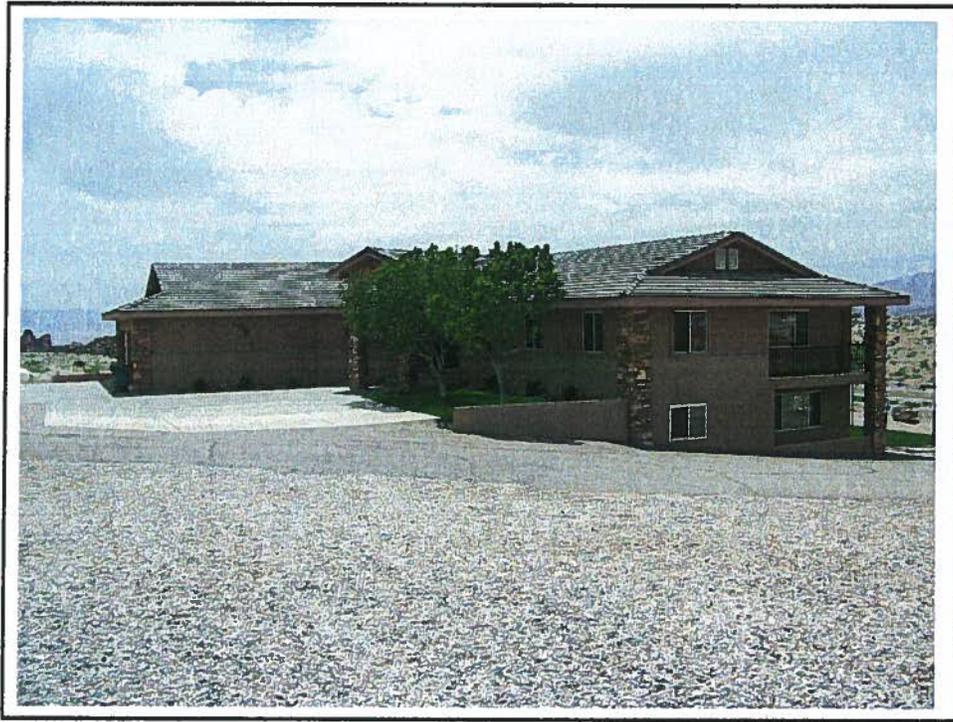
Date: April 20, 2012

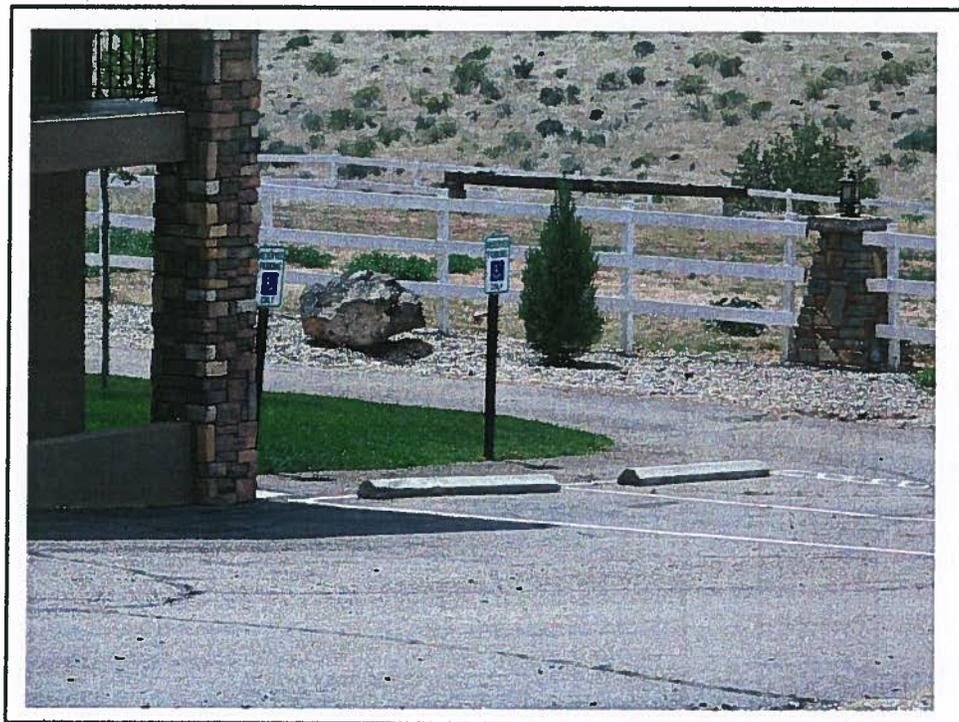
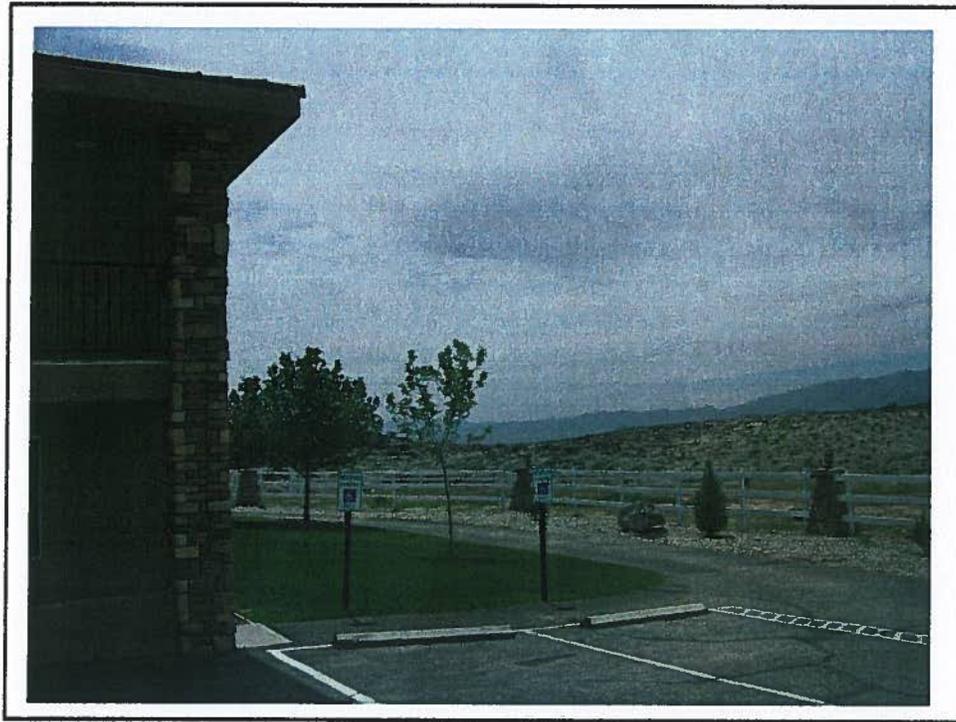


HINTONBURDICK
CPAS & ADVISORS

- F. *A residential treatment facility must provide at least thirty percent (30%) of the area as **open green space** or playground and one parking space per staff on the highest shift plus one parking space for each five (5) persons housed in the facility.*
- G. *Any conditional use granted shall be for a **specified number of individuals**. The number of residents shall not be increased without first obtaining approval from the city as an amendment to the conditional use. The request to increase the number of residents shall be accompanied by the study required under subsection E of this use.*
- H. *Any conditional use granted shall be personal to the business licensee at such location, shall **not be transferable**, and shall expire upon the expiration, revocation or surrender of any city business license, state license, or other regulatory license of the facility.*









Desert Solace

A Utah Limited Liability Corporation

Policies and Procedures

DRAFTAgenda Item Number : **2A**

Request For Council Action

Date Submitted 2013-05-29 15:47:13

Applicant Steve Bingham/Rec.

Quick Title Bid Award

Subject Saint George Recreation Center Floor Remodel Bid # 13-0014

Discussion Formal bidding resulted in receiving bids from 3 contractors for this project. Low overall bid was received from Chapman Construction in the amount of \$ 56,037.00

Cost \$56,037.00

City Manager Recommendation In current budget but will not be complete by end of fiscal year so funds will need to be carried over or rebudgeted next year. We have some structural issues and this will help correct some of them.

Action Taken

Requested by Connie Hood

File Attachments

Approved by Legal Department?

Approved in Budget? **Amount:**

Additional Comments Chapman Constrction is a local vendor/contractor. This project will begin this fiscal year and be finished in the next fiscal year.

DRAFTAgenda Item Number : **2B****Request For Council Action**

Date Submitted 2013-05-29 10:49:00**Applicant** Jerome Jones**Quick Title** Bid Award**Subject** Palmer IV, Prelude IV Rye Grass Seed**Discussion** Annual purchase of Rye Grass Seed for the Golf Courses and the Ballparks. New Fiscal Year purchase. According to Jerome Jones seed is getting hard to acquire and is being sold as soon as it becomes available so it is important to get it on order as soon as possible this year. 80 tons total**Cost** \$145,000 (estimate)**City Manager Recommendation** Purchase will be in next fiscal year for the annual overseeding project for the golf courses and ball fields. This allows us to get our allocation before the seed is all committed. Recommend approval.**Action Taken****Requested by** C. Hood**File Attachments****Approved by Legal Department?****Approved in Budget? Amount:****Additional Comments** Bids are due on Thursday, May 20th, at 2:00. I will update the bid results at that time and recommend supplier to be awarded based on the bid results

MEMORANDUM OF BID OPENING

Bid Inquiry #:

Bids Opened By: Buni Hood

Recorded By: C. Hood

Time of Opening: 2:00 P.M.

Date of Opening: 5/30/2013

Place of Opening: City Council Chambers

Apparent Low Bidder: Helena Chemical

Amount of Bid: \$ 176,000.⁰⁰

Order of Bid Opening: Turco LLC \$ 1,12 LB.

Amount of Bid: \$ 179,200.⁰⁰
Schedule A _____

Schedule B _____ \$ 2240.⁰⁰ / ton
Addendum: 1, 2, 3 _____

Helena Chemical \$ LB

Schedule A 176,000.⁰⁰ \$ 2200.⁰⁰ / ton
Schedule B _____
Addendum: 1, 2, 3 _____

John Doe Landscaping \$

Schedule A 220,800.⁰⁰
Schedule B _____ \$ 2760.⁰⁰ / ton
Addendum: 1, 2, 3 _____

Those Present: _____

*Purchasing
-
Tomm
80*

DRAFTAgenda Item Number : **2C**

Request For Council Action

Date Submitted 2013-05-24 15:58:46**Applicant** Larry Bulloch**Quick Title** Mall Dr Bridge**Subject** Consider approval of an engineering services contract with Horrocks Engineers for the Mall Dr. Bridge.**Discussion** Gary has recommended the Mall Dr. Bridge as the top priority project for this year. A project budget has been established and a funding program is being developed. For the past few months the project has been scrutinized to identify ways to reduce the cost. Horrocks Engineering did the original design. This contract includes revising the design, obtaining environmental approvals and managing construction of the bridge. The city staff will perform some of the work to reduce costs.**Cost** \$0.00**City Manager Recommendation** Recommend approval.**Action Taken****Requested by** Larry Bulloch**File Attachments****Approved by Legal Department?****Approved in Budget? Amount:****Additional Comments**

DRAFTAgenda Item Number : **2D****Request For Council Action**

Date Submitted 2013-05-15 08:41:17**Applicant** Larry Bulloch**Quick Title** New SunTran Bus**Subject** Consider purchase of a replacement bus for the Transit Division.**Discussion** In the FY13 budget, \$50,000 was approved to buy a new van. However, in the meantime, the engine blew on one of the 21 passenger buses and the Fleet Manager feels it is no longer salvageable. The Public Works Department is requesting approval to buy a new bus for \$114,754, instead of a van. The Transit budget is projected to have a \$271,541 surplus at the end of the year, so there is ample money in the budget to cover the increase. The city's share will go up from \$10,000 to \$22,951. The bus will be delivered in July.**Cost** \$114,754**City Manager Recommendation** Recommendation is to purchase a new bus instead of the van which is included in the current budget. The cost of the City's match will go from \$10,000 to \$22,951 but will be a better use of our monies. Recommendation for approval.**Action Taken****Requested by** Larry H. Bulloch**File Attachments****Approved by Legal Department?****Approved in Budget? Amount:****Additional Comments**

DRAFTAgenda Item Number : **2E****Request For Council Action**

Date Submitted 2013-05-14 08:35:20

Applicant Rich Stehmeier

Quick Title Maintenance Agreement

Subject Consider approval of an agreement with Vaisala to maintain aviation equipment at the airport.

Discussion This is a three-year maintenance agreement with Vaisala to maintain the Weather station (AWOS) and Navigational aids (VOR & DME) at the airport. Viasala installed the equipment and they are the only company certified to maintain it. This service is required to provide reliable all weather aviation services. For example, SkyWest could not land in bad weather if the navigation aids were not operating properly.

Cost \$59,580

City Manager Recommendation Basically a sole source company to maintain our VOR and other navigational equipment at the Airport. Recommend approval.

Action Taken

Requested by Larry Bulloch

File Attachments [Vaisala Maintenance Agr \(AWOS\).pdf](#)

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments

Attachments [Vaisala Maintenance Agr \(AWOS\).pdf](#)



**AGREEMENT FOR AVIATION SUPPORT AND MAINTENANCE SERVICES
Order/ Pricing Services, Equipment and Scope of Work Summary Schedule ("Summary")**

Vaisala: Vaisala Inc. 194 South Taylor Ave. Louisville, CO 80027	Customer: City of St. George 175 East 200 North St. George, UT 84770
Contact email: jerry.kirkpatrick@vaisala.com	Contact email:

This Agreement for Aviation Support and Maintenance Services ("Agreement") incorporates by reference the terms and conditions recited in Attachment 1, which is made a part hereof.

The Effective Date of this Agreement is 01 August, 2013.

The Term of this Agreement shall be for a period of 3 year(s) from the Effective Date.

Customer acknowledges that the Equipment (including components), Services, the Scope of Work, Additional Terms and any pricing recited in this Summary are only valid during the Agreement Term, unless otherwise mutually agreed by the parties hereto.

Services (check as applicable)
<input checked="" type="checkbox"/> Preventive Maintenance and Scheduled Service
<input checked="" type="checkbox"/> Equipment Restoration
<input type="checkbox"/> Data Service

Equipment (check as applicable)	Manufacturer/Model
<input checked="" type="checkbox"/> VOR	Selex 1150 CVOR
<input checked="" type="checkbox"/> DME	Selex 1118 DME
<input type="checkbox"/> LOC	
<input type="checkbox"/> GS	
<input type="checkbox"/> AWOS	
<input type="checkbox"/> RVR	
<input type="checkbox"/> RWIS	
<input type="checkbox"/> NDB	
<input type="checkbox"/> Control Tower	
<input type="checkbox"/> Markers	
<input type="checkbox"/> Thunderstorm Warning	

Data Services (check as applicable)	
<input type="checkbox"/> AviMet Data Link	
<input type="checkbox"/> Navigator II	
<input type="checkbox"/> GLD 360	N/A
<input type="checkbox"/> NLDN Stroke Data - Service Size: 100 NM	N/A
<input type="checkbox"/> CLDN Stroke Data - Service Size: 100 NM	N/A

Fees		Contract Total: \$ 59,580.00
Annual Fee	\$ 19,860.00	billed Quarterly
Unplanned Outage Fee	\$ 1,500.00	per day (ex. lightning strike, bird strike)
Facility Visit Fee	\$ 1,500.00	per day (ex. flight check)
Holiday Fee	\$ 500.00	per day additional
Cancellation/Delay Fee	\$ 500.00	per day

N/A	N/A

Statement of Work and Additional Terms

Addendum 1 - Terms & Conditions
Addendum 2 - Navaid Statement of Work

Invoice Contact:

Name: City of St. George
Address: 175 East 200 North
St. George, UT 84770
Phone: 435 634 5822
Email: _____

Airport Manager/Authority:

Name: Rich Stehmeier
Address: 4508 S Airport Pkwy #1
St. George, UT 84790
Phone: 435 627 4080
Email: rich.stehmeier@sgcity.org

Vaisala Inc.

By: Jerry Kirkpatrick
Title: Sales Manager
Date: _____

City of St. George

By: _____
Title: _____
Date: _____

**Attachment 1
VAISALA INC.**

Agreement for Aviation Support and Maintenance Services Terms and Conditions

1. PURPOSE/SERVICES:

1.1 Customer desires to engage Vaisala to render certain professional and/or technical services, including as recited in the Statement of Work ("SOW") and as indicated in the Summary, related to the support, maintenance and servicing of certain Equipment, and Vaisala desires to render such services under the terms and conditions of this Attachment 1, the SOW and the Summary. All terms not defined herein, including "Services", "Equipment" and "Term", shall have the meaning set forth in the Summary. This Attachment 1, the Summary and the SOW make up the complete agreement (the "Agreement") between Customer and Vaisala, and each may be amended, upon mutual written agreement, from time to time throughout the Term.

1.2 This Attachment 1 constitutes the terms and conditions offered with respect to the provision of Services and Equipment recited in the Summary and shall become a binding contract upon the execution of the Summary, either by facsimile or in PDF form, by Customer and Vaisala. No contrary or additional terms or conditions proposed by Customer under any other document, including but not limited to a Customer purchase order, will be accepted by Vaisala, and any such proposed contrary or additional terms are hereby rejected unless otherwise mutually agreed to in a written fully executed instrument. Vaisala's performance pursuant to this Attachment 1, the Summary and the SOW shall be deemed unqualified acceptance of the terms and conditions set forth below.

2. PAYMENT/OTHER EXPENSES/ADDITIONAL CHARGES:

2.1 Customer agrees to pay Vaisala the amounts recited in the Summary.

2.2 Vaisala shall invoice Customer on an annual, quarterly or monthly basis, as applicable, based on the Services for the Equipment specified as more particularly recited under the Summary. Payment by Customer shall be net thirty (30) days of the invoice date.

2.3 Customer may withhold payment of any amounts to be paid to Vaisala which are disputed in good faith by Customer. In the event there is a dispute in connection with a submitted invoice, the parties shall confer on the invoice within five (5) days of receipt, and only the payment for that portion of the invoice in question may be withheld for ten (10) days after the payment due date so as to allow the parties to cooperatively resolve any dispute. Following the elapse of such ten (10) days, Customer shall pay, unless otherwise agreed by the parties, all the amounts due and owing to Vaisala under the invoice.

2.4 In accordance with the Summary, if restoration, repairs or other maintenance Services are required for an unplanned Equipment failure or outage, Customer shall pay Vaisala the recited "Unplanned Outage Fee". The "Unplanned Outage Fee" is billed in half-day increments, portal to portal, plus travel costs and expenses. Unplanned outages are defined as any restoration outside of normal or anticipated causes of Equipment failure, which outside causes include, but are not limited to, acts of God, weather damage, lightning strikes, vandalism or other damage caused by unauthorized airport personnel or third parties. The "Unplanned Outage Fee" is billed for each day or part thereof that Services are required.

2.5 In accordance with the Summary, the applicable "Holiday Fee" as recited in the Summary applies to the following holidays when Services are rendered: New Year's Eve, New Year's Day, Memorial Day, July 4th (Independence Day), Labor Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve and Christmas Day. If an Equipment failure or outage occurs on any of the foregoing holidays, Customer shall pay Vaisala the "Holiday Fee" in addition to the "Unplanned Outage Fee" as well as any other fees due and payable to Vaisala.

2.6 In accordance with the Summary, Customer Site (as subsequently defined) visits are defined as any Site visit not required in the Summary for Equipment Services. Upon Customer's written request and Vaisala's written acceptance thereof and subject to mutually agreeable times, Vaisala will visit Customer Sites concurrent with Federal Aviation Administration (FAA) required or requested Customer Site visits. Customer agrees to pay the "Facility Visit Fee" to Vaisala for such Customer Site visits. The "Facility Visit Fee" is billed in half-day increments, portal to portal, plus travel costs and expenses.

2.7 In accordance with the Summary, if cancellations or excessive delays, in Vaisala's opinion, in the provisions of Services occur as a result of Customer's fault, actions or causes, Customer shall pay Vaisala the "Cancellation/Delay Fee". The "Cancellation/Delay Fee" is billed in half-day increments, portal to portal, plus travel costs and expenses.

3. TERM:

3.1 The Term of the Agreement shall be as recited in the Summary unless earlier terminated pursuant to this Attachment 1.

3.2 The parties may extend, upon mutual written agreement, the Term of the Agreement.

4. TERMINATION/OBLIGATIONS UPON TERMINATION:

4.1 This Agreement may be terminated by Vaisala, without cause and at any time, upon ninety (90) days written notice. The period of termination shall start from the date of the notice by Customer. Customer shall not be obligated to pay for any Services rendered after the date of termination, except that Customer shall be responsible for non-cancellable expense or commitment amounts that occur after the termination date and that such amounts shall remain due, owing and payable after the date of termination. The parties acknowledge that any amounts paid to Vaisala shall be non-refundable.

4.2 In the event of a material breach by Customer, Vaisala shall notify, in writing, Customer of such material breach. Customer shall be permitted thirty (30) days from the date of receipt of such notice to cure such breach to Vaisala's satisfaction. In the event the breach is cured to Vaisala's satisfaction, the Agreement shall not terminate. However, if the breach is not so cured, Vaisala may elect to promptly terminate the Agreement following the lapse of such thirty (30) days from the receipt of such notice. In the event of termination of the Agreement due to a material breach by Customer, other than of the type specified in Section 7.1 herein, the obligations under Section 4.3 shall be applicable.

4.3 In the event of termination of the Agreement either as provided herein or upon expiration of the Agreement, each party shall promptly return all Confidential Information (as subsequently defined) of the other party and Vaisala shall submit a final invoice, as recited above, for Services rendered up to the date of termination and for all non-cancellable expense or commitment amounts that occur after the termination date, which amounts remain due, owing and payable. Customer shall promptly pay such invoiced amount net ten (10) days from the invoice date.

5. WARRANTIES:

5.1 Vaisala warrants and represents that all Services provided by Vaisala shall be performed by qualified field technicians and by other personnel, who have all certifications and licenses required by the FAA. Further, Vaisala warrants and represents that all Services provided hereunder shall be of a professional quality consistent with general industry standards and shall be performed in accordance with the requirements of the SOW and as specified under the Agreement.

5.2 Vaisala represents and warrants that it is an independent contractor that makes its services available to the general public, has its own place of business and maintains its own sets of books and records, which reflect its own income and expenses. Further, Vaisala shall operate as an independent contractor and shall not represent itself as an agent, partner or joint venturer of Customer. Vaisala shall not obligate Customer in any manner, nor cause Customer to be liable under any contract or under any other type of commitment. Alternately, Customer shall not obligate Vaisala in any manner, nor cause Vaisala to be liable under any contract or under any other type of commitment.

5.3 THIS IS A SERVICE AGREEMENT. TO THE MAXIMUM EXTENT PERMITTED UNDER APPLICABLE LAW, VAISALA MAKES NO WARRANTIES AND EXPLICITLY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE OR RELIABILITY OR ACCURACY OF ANY GENERATED DATA OR INFORMATION FROM THE EQUIPMENT. THE EXPRESS WARRANTIES PROVIDED IN SECTIONS 5.1 AND 5.2 ARE EXCLUSIVE, AND VAISALA MAKES NO OTHER WARRANTIES, EXPRESS, STATUTORY OR IMPLIED, WRITTEN OR ORAL, TO CUSTOMER REGARDING, RELATED TO OR ARISING FROM THE SERVICES RENDERED UNDER THE AGREEMENT, THE SOW, THE SUMMARY, THE USE OR POSSESSION OF VAISALA CONFIDENTIAL AND PROPRIETARY INFORMATION, ANY REPORT OR DATA GENERATED UNDER OR IN CONNECTION WITH THIS AGREEMENT, IN ANY MANNER OR FORM WHATSOEVER.

6. LIMITATION OF LIABILITY / INDEMNIFICATION:

6.1 Vaisala will be permitted to enter Customer's premises ("Site") and have access to Customer's personnel or equipment upon reasonable notice and during normal business hours; provided that Vaisala complies with Customer's security procedures.

Vaisala shall maintain aviation products and comprehensive liability insurance, as recited below, during the Term of the Agreement. Vaisala agrees to take all reasonable precautions to prevent any injury to persons or any damage to property in the performance of the Services as rendered by Vaisala under the Agreement. However, in the event Customer is negligent or engages in misconduct, then Customer shall be liable for such damages as provided herein.

6.2 Vaisala's entire liability hereunder to Customer for any breach of the Agreement shall be limited only to the amounts of monies paid hereunder to Vaisala in connection with the Services that gave rise to the claim, except for any damages or claims for damages or equitable relief resulting from either party's breach of the other's proprietary and/or confidential interest as set forth in Section 9. Potential liability for claims by third parties is covered by Sections 6.4 and 6.5 below. **NEITHER PARTY SHALL BE LIABLE FOR LOSSES OR DAMAGES WHICH ARE INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL OR EXEMPLARY, INCLUDING WITHOUT LIMITATION, ANY LOSS OF PROFITS OR REVENUE INCURRED BY EITHER PARTY WHETHER IN AN ACTION BASED ON CONTRACT OR TORT, EVEN IF A PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, WHETHER FORESEEABLE OR UNFORESEEABLE, BASED ON CLAIMS OF SUPPLIER OR ANY OTHER PARTY ARISING OUT OF BREACH OR FAILURE OF EXPRESS OR IMPLIED WARRANTY, BREACH OF CONTRACT, MISREPRESENTATION, NEGLIGENCE, STRICT LIABILITY IN TORT, FAILURE OF ANY REMEDY TO ACHIEVE ITS ESSENTIAL PURPOSE, OR OTHERWISE ARISING FROM OR RELATED TO THIS AGREEMENT, AND THE SERVICES PERFORMED HEREUNDER, EXCEPT WITH RESPECT TO DAMAGES INCURRED WITH REGARD TO CLAIMS OF INFRINGEMENT, MISUSE OR MISAPPROPRIATION OF A PARTY'S PROPRIETARY AND/OR CONFIDENTIAL INFORMATION.**

6.3 With regard to proprietary and/or confidential information and rights and interests, either party shall be entitled to pursue any legal and/or equitable action, including injunctive relief, against the other with regard to any misuse, misappropriation or breach of any term or condition recited herein with regard to such other party's confidential and/or proprietary claims.

6.4 Customer shall defend, indemnify and save harmless Vaisala, or its agents, employees, consultants or contractors, from any and all third-party claims, demands, suits, actions or proceedings of any kind or nature, including without limitation Worker's Compensation claims, of or by anyone that directly results from or directly arises out of Customer's actions, activities or events in connection with the Agreement or with respect to any negligent action, intentional or willful act or omission by Customer, or its agents, employees, consultants or contractors; provided, however, that Vaisala shall not be indemnified, held harmless and/or defended by Customer in connection with the foregoing claims of property damages, or death or personal injury where Vaisala, or its agents, employees, consultants or contractors, are, in any manner, negligent, or, in any manner, commit willful or intentional acts or omissions that result in such claims made. Customer's obligations to indemnify, defend and hold harmless will survive the termination of the Agreement for a period of one (1) year from the date of termination. Vaisala agrees to notify Customer within five (5) business days after it has received written notification of such loss due to damage to property, injuries or death to persons.

6.5 Vaisala shall defend, indemnify and save harmless Customer, or its agents, employees, consultants or contractors, from any and all third-party claims, demands, suits, actions or proceedings of any kind or nature, including without limitation Worker's Compensation claims, of or by anyone that directly results from or directly arises out of Vaisala's negligent Services in connection with the Agreement, including negligent Services, intentional acts or omissions of contractors, employees, consultants or agents of Vaisala; provided, however, that Customer shall not be indemnified, held harmless and/or defended by Vaisala in connection with the foregoing claims of property damages, or death or personal injury where Customer, or its agents, employees, consultants or contractors, are, in any manner, negligent, or, in any manner, commit willful or intentional acts or omissions that result in such claims made. Vaisala's obligations to indemnify, defend and hold harmless will survive the termination of the Agreement for a period of one (1) year from the date of termination. Customer agrees to notify Vaisala within five (5) business days after it has received written notification of such loss due to damage to property, injuries or death to persons. Indemnification obligations of Vaisala under this section are subject to the limits set forth in Section 6.6.

6.6 During the term of the Agreement and for a period of at least one (1) year after completion of Vaisala's obligations pursuant hereunder, Vaisala will maintain the following levels of insurance coverage with a reputable and financially sound insurance carrier: (a) workers' compensation insurance as required by applicable law; (b) employer's liability insurance with limits not less than US \$1 MILLION; (c) Commercial General Liability, including Products and completed Operations and Contractual Liability, with a minimum combined single limit of US \$2 MILLION per occurrence; (d) Excess Liability Insurance with limits not less than US \$5 MILLION; and (d) Aviation Liability Insurance of US \$10 MILLION per occurrence. Vaisala shall, at its own expense, maintain with a reputable insurer (and provide written certificate(s) of insurance to Customer if and when requested) for a period of one (1) year after the fulfillment of the SOW under the Agreement. **IN CONNECTION WITH ANY INDEMNITY BY VAISALA HEREUNDER, VAISALA'S ENTIRE LIABILITY SHALL BE LIMITED ONLY UP TO THE AMOUNTS OF AVAILABLE INSURANCE COVERAGE AVAILABLE IN CONNECTION WITH THE CLAIM MADE; AND THEREFORE, IN NO EVENT SHALL VAISALA BE LIABLE FOR ANY AMOUNTS BEYOND THE LIMITATIONS OF INSURANCE COVERAGE RECITED HEREIN FOR ANY CLAIMS MADE UNDER VAISALA'S INDEMNIFICATION OF CUSTOMER UNDER SECTION 6.5.**

7. FORCE MAJEURE

7.1 Neither party shall be deemed to have breached the Agreement by reason of delay or failure in performance resulting from causes beyond the control, and without the fault or negligence, of the party. Such causes include, but may not be limited to, an act of God, an act of war or public enemy, riot, epidemic, fire, flood, quarantine, embargo, epidemic, unusually severe weather or other disaster, or compliance with laws, governmental acts or regulations, in any case, not in effect as of the date of the Agreement, or other causes similar to the foregoing beyond the reasonable control of the party so affected. The party seeking to avail itself of any of the foregoing excuses must promptly notify the other party of the reasons for the failure or delay in connection with the performance hereunder and shall exert its best efforts to avoid further failure or delay. However, the Agreement shall terminate, as provided under Section 4, if such delay or failure persists for one-hundred twenty (120) consecutive days and there is no foreseeable remedy or cure available.

8. ASSIGNMENT

8.1 Customer shall not be permitted to transfer, assign, convey or hypothecate, in whole or in part, the Agreement or any rights or obligations hereunder except with the written authorization of Vaisala, which authorization shall not be unreasonably withheld. In the event of any permitted assignment or transfer of the Agreement or the obligations under the Agreement, the parties agree that such obligations shall be binding upon the assigning or transferring party's executors, administrators and legal representatives, and the rights of assignor or transferor shall inure to the benefit of assignee or transferee. Any attempted transfer, assignment, sale or conveyance, or delegation in violation of this Section 8 shall be null and void.

9. CONFIDENTIAL AND/OR PROPRIETARY INFORMATION

9.1 During the Term of the Agreement, each party may be exposed either in writing, orally or through observation to the other party's confidential and/or proprietary information ("Information"). Information includes, but is not limited to, product specifications, drawings, design plans, product blueprints, ideas, inventions, methods, processes, chemical formulations, chemical compounds, mechanical/electrical specifications, current and future product plans, system architectures, product strategies, software (object, source or microcode), scientific or technical data, prototypes, demonstration packages, documents, marketing strategy, customer lists, equipment, personnel information, business strategies, financial information, instruction manuals, the Agreement and any other business and/or technical information related to the atmospheric and weather technology fields, or any information marked with a disclosing party's confidential or similar type legend. If the information is orally or visually disclosed, then such information shall be reduced to a summary writing by the disclosing party within thirty (30) days of such disclosure, marked as "confidential" and delivered to the receiving party.

9.2 The receiving party shall use the information only for the purposes of the Agreement and for no other purpose whatsoever. The receiving party shall not disclose, disseminate or distribute the information to any third party. However, Vaisala shall be permitted to disclose information to agents, employees, subcontractors and consultants, who have a definable need to know, and who are under written obligations commensurate with the terms and conditions recited herein. The receiving party shall protect the information by using the same degree of care, but no less than a reasonable degree of care, it would to protect its own information of a like nature. Information shall remain confidential for a period of two (2) years following termination of the Agreement; except that any information which is designated as a trade secret shall remain confidential until one of the events recited in Section 9.3 occurs.

9.3 The receiving party shall not be obligated to maintain the confidentiality of the information if such information: a) is or becomes a matter of public knowledge through no fault of the receiving party; b) is disclosed as required by law; provided that, the receiving party promptly notifies the disclosing party of such request to disclose so that disclosing party has the opportunity to seek a protective or similar order to prevent such disclosure of information; c) is authorized, in writing, by the disclosing party for release; d) was rightfully in the receiving party's possession before receipt from disclosing party; or e) is rightfully received by the receiving party from a third party without a duty of confidentiality.

9.4 No license under any trademark, patent, copyright or other intellectual property right is granted, either expressed or implied, by the disclosing of such information by the disclosing party to the receiving party.

10. DISPUTES/ARBITRATION/GOVERNING LAW/OTHER

10.1 The parties shall first try to resolve any dispute relating to or arising from the Agreement through good faith negotiations and agreement by the parties. If the parties are unable to resolve the dispute through negotiation and still seek resolution, the dispute may be submitted to, and settled by binding arbitration, by a single arbitrator chosen by the American Arbitration Association in accordance with the Commercial Rules of the American Arbitration Association. The prevailing party shall be entitled to reasonable and documented attorney's fees and administrative fees in the event an action is brought. Notwithstanding

the foregoing, the arbitrator shall award any damages subject to the limitations on liability and indemnification recited herein. Any court having jurisdiction over the matter may enter judgment on the award of the arbitrator. Service of a petition to confirm the arbitration award may be made by First Class mail or by commercial express mail, to the attorney for the party or, if unrepresented, to the party at the last known business address.

10.2 With regard to the subject matter recited herein, the Agreement (including addenda or amendments added hereto) comprises the entire understanding of the parties hereto and as such supersedes any oral or written agreement. Any inconsistency in the Agreement shall be resolved by giving precedence in the following order:

- a) The Summary
- b) The SOW
- c) This Attachment 1
- d) Any addenda added hereto

10.3 This Agreement shall not be modified or amended except by writing signed by both parties. All requirements for notices hereunder must be in writing. The parties further acknowledge that facsimile signatures or signatures in PDF are fully binding and constitute a legal method of executing the Agreement.

10.4 Sections 4, 5, 6, 7, 9 and 10 shall survive termination of the Agreement.

10.5 If any of the provisions of the Agreement are declared to be invalid, such provisions shall be severed from the Agreement and the other provisions hereof shall remain in full force and effect. The rights and remedies of the parties to the Agreement are cumulative and not alternative.

10.6 This Agreement may be executed in one or more counterparts, each of which shall be deemed to be a duplicate original, but all of which, taken together, shall be deemed to constitute a single instrument.

10.7 This Agreement is made under and shall be construed according to the laws of the State of Colorado, notwithstanding the applicability of conflicts of laws principles.

10.8 The parties shall adhere to all applicable U.S. Export Administration Laws and Regulations and shall not export or re-export any technical data or materials received under the Agreement or the direct product of such technical data or materials to any proscribed country or person listed in the U.S. Export Administration Regulations unless properly authorized by the U.S. Government.



194 South Taylor Ave.
Louisville, CO 80027

Attachment 2

AWOS and Navaid Maintenance Statement of Work

1. Description of Equipment Services

1.1. Preventive Maintenance consists of inspection, functional checks, adjustments, labor to replace failed components and cleaning in accordance with the equipment manufacturer's published guidelines and requirements.

1.2. Scheduled Service consists of such periodic routine tests and adjustments as may be required by the equipment manufacturer and/or by the FAA for non-Federal facilities in accordance with 14 C.F.R. Part 171 or JO 6560.31A as it may be modified or superseded from time to time.

1.3. Equipment Restoration. In the event of an unplanned equipment failure or outage, Vaisala shall commence restoration work within one (1) business day after the outage is reported and complete restoration services in a reasonable prompt manner. Diagnosis may be performed remotely and render the system inoperable until which time replacement equipment/parts can arrive to Customer's site. Repairs required due to Acts of God, lightning, vandalism, etc. are excluded and will be billed at the Unplanned Outage price.

1.4. All services provided by Vaisala shall be performed by qualified field technicians having all required certifications and licenses required by the FAA, FCC, and OSHA. Vaisala will also maintain a full Aviation Product and Liability Insurance policy for the term of the contract.

1.5. Vaisala shall record test results in a station log and maintain the required 6000 series records, copies of which will be provided to the FAA as required.

1.6. Vaisala shall make a best effort to maintain and repair all equipment. Customer acknowledges that components and equipment under contract may be obsolete rendering repair or restoration of equipment impossible.

2. Testing Equipment and Replacement Parts - Nav aids

2.1. Customer shall at its own expense furnish, maintain and calibrate test equipment in accordance with FAA requirements.

2.2. Customer shall maintain at its own expense an inventory of replacement parts for the Equipment to be utilized by Vaisala when providing Service under this Agreement. In the event parts necessary for maintenance or restoration of the Equipment are not available in Customer's inventory, Vaisala will provide such part(s) and invoice the Customer for the required part(s).

2.3. Vaisala and Customer agree that, as of the date of this Agreement, the lists of Customer Spare parts and Customer Test Equipment are accurate and complete.

3. Customer Responsibilities.

3.1. Customer shall be responsible for monitoring the status of the systems following maintenance by Vaisala;

3.2. Customer shall be responsible for providing transportation and/or access for Vaisala personnel between the airport and the location of the Equipment;

3.3. Customer shall be responsible for providing security in and around the Equipment to be maintained under the Agreement;

3.4. Customer shall be responsible for any loss or damage to the Equipment for reasons other than the fault of Vaisala and for providing any insurance Customer may desire to cover any such loss or damage.;

3.5. Customer shall be responsible for the issuance of all NOTAMS (Notice to Airmen) relating to the status of the facilities to be maintained under this Agreement; and

3.6. Customer shall be responsible for maintaining the grounds and buildings associated with the NAV AIDs (Navigational Aids) and Equipment in good repair and in compliance with all FAA and all applicable laws.

3.7. Customer shall be responsible for the purchase of all replacement components for AWOS and Navaid equipment.

DRAFTAgenda Item Number : **3A**

Request For Council Action

Date Submitted 2013-05-30 09:16:31

Applicant Brett Burgess

Quick Title Public Hearing - Final Plat Amendment

Subject Request to Amend the Final Plat of "Tonaquint Terrace Phase #2, 2nd Amended and Extended" to be known as "Tonaquint Terrace Phase #2, 3rd Amended and Extended"

Discussion The purpose of this Final Plat Amendment is to add a 20 Foot wide portion to Lot 130 the runs southerly to 2240 South Street (which also runs along the rear of Lot 131). This 20 Foot wide strip of land will also be a public utility and drainage easement. No other changes have been made.

Cost \$0.00

City Manager Recommendation Only change is to add a 20' public utility and drainage easement. Recommend approval.

Action Taken

Requested by Todd Jacobsen

File Attachments [Ton Ter 3rd Am.pdf](#)

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments This was approved by Planning Commission on May 28, 2013

Attachments [Ton Ter 3rd Am.pdf](#)

DRAFTAgenda Item Number : **3B**

Request For Council Action

Date Submitted 2013-05-23 10:48:25

Applicant City of St. George

Quick Title Public Hearing for Fiscal Year 2013-14 Budget

Subject This is the first of 2 public hearings to receive public input on the Fiscal Year 2013-2014 budget. This hearing is to take comment only, no action is required at this time.

Discussion State Law requires at least one public hearing to receive input on the budget. As a courtesy, we do two public hearings. The second hearing will be on June 13, 2013 at which time comment will be taken again, and then adoption would be recommended (the June 13th meeting will be scheduled as a Regular meeting instead of a Work Meeting). State Law requires budgets to be adopted on or before June 22. The Preliminary (Recommended) Budget has been available on the City's website and in hard copy at the City Recorder's office.

Cost \$0.00

City Manager Recommendation First hearing on the budget to seek public comments.

Action Taken

Requested by Deanna Brklacich

File Attachments

Approved by Legal Department?

Approved in Budget? **Amount:**

Additional Comments

DRAFT

Agenda Item Number : **6A**

Request For Council Action

Date Submitted 2013-05-28 16:17:39

Applicant Daughters of Utah Pioneers

Quick Title 75th Anniversary McQuarrie Memorial Museum

Subject Weeklong celebration involving a program to be held on June 17 from 6:30 to 8 pm. Request for a road closure of 100 East from 10 am thru 10 pm and assistance from the City with the closure of the street.

Discussion

Cost \$0.00

City Manager Recommendation The museum is an important part of our downtown. I think this type of event will bring more attention to this facility and hopefully more visitors will be exposed to the history of the City. Recommend approval.

Action Taken

Requested by Bill Swensen

File Attachments

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments This event is currently under review by city staff.

FOR OFFICE USE ONLY

Insurance Received:
 Date Received: 5/15/13
 Application Fee Paid
 Date Paid:



City of St. George Special Events
 175 E. 200 North
 St. George, UT 84770

Fax: (435) 627-4430
 bill.swensen@sgcity.org

Phone: (435) 627-4128

EVENT NAME: 75th Anniversary McQuarrie Memorial Museum

Applicant's Name: Jeanine Varder Bruggen *

Organization: Daughters of Utah Pioneers

Mailing Address: 145 N. 100 E. * 1122 W. Diamond Valley Dr

City, State, Zip: St George UT 84770

Day Phone: (1) Cell/other: (1) 435-574-0307 (2) 435-632-1215

E-mail: garyv644@aol.com

Event Web Address (if applicable):

Alternate contact name: Terasa Orton **Day Phone:** 435-862-9282

Cell/other: Torton41@yahoo.com **E-mail:**

EVENT DETAILS (Complete additional event details on page 3 of this form)

LOCATION: 145 N. 100 E., St. George, UT 84770

Location Details/Address:

Event	Date(s):	Start time:	End time:
Set-up	6/14/13	Date(s): 6/15/13	Start time: 10:00 End time: 8:00 P
Clean-up	6/22/13	Date(s): 6/22/13	Start time: 10:00 End time: 8:00 P

Is this a recurring event? **Yes** If yes; daily, weekly or other? 6/15 - 6/22

Is this a Annual Event? **No** If yes; Same date and Place?

TYPE OF ACTIVITY
 check all that apply:

Sporting 5K Parade Festival

Film Vendor

Production Booth Cycling 10K Dance Block Party

Outdoors Sales Training Fun Run 1/2 Marathon Other:

SPECIAL EVENT PERMIT APPLICATION

EVENT

75th Anniversary McQuarrie Memorial Museum

Page 5 of 7

EVENT DESCRIPTION

PLEASE DESCRIBE YOUR EVENT IN DETAIL ADD ANY ADDITIONAL INFORMATION OR PAGES

- Please be sure to include any elements of your event that will help our review committee.

Daughters of Utah Pioneers in Washington County are planning a week-long celebration of the 75th Anniversary of the McQuarrie Memorial Museum (145 N. 100 E. St. George). This is conjunction with a fundraiser to replace the existing roof on the building. The dates are 6/15 - 6/22/13.

On Monday, June 17, 2013 there will be a program held at 6:30 PM on the front steps and front lawn of the Museum for community members who respond to our open invitation.

To minimize noise during the program and to enhance safety we request the city provide road barriers to close the block between 100 E and 200 E from 5:00 PM to 8:00 PM.

DRAFT

Agenda Item Number : **6B**

Request For Council Action

Date Submitted 2013-05-28 16:03:15

Applicant Tim Murray with Elks Lodge

Quick Title Flag Day Ceremony

Subject This community event on June 14 is being held to honor the U.S. Flag. Mayor McArthur has asked that we help in moving this event along. The applicant is requesting a waiver of the Special Event Permit Fee, the closure of Tabernacle St at 100 West and city assistance with the street closure.

Discussion

Cost \$0.00

City Manager Recommendation Another event in our downtown. Who can argue with Flag day events?

Action Taken

Requested by Bill Swensen

File Attachments

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments Currently under review by city staff.

FOR OFFICE USE ONLY

Insurance Received:	Date Received:
Application Fee Paid	Date Paid:

Business License Use Only



SPECIAL EVENT PERMIT APPLICATION CITY OF ST. GEORGE

City of St. George Special Events
175 E. 200 North
St. George, UT 84770

Phone: (435) 627-4128
Fax: (435) 627-4430
bill.swensen@sgcity.org

EVENT NAME: FLAG DAY CEREMONY

Applicant's Name: TIM MURRAY

Organization: DIXIE ELKS LODGE #1743

Mailing Address: 630 WEST 1250 NORTH

City, State, Zip: ST GEORGE, UTAH 84770

Day Phone: 435-688-2973 Cell/other: 435-231-2817

E-mail: tim.murray4u@yahoo.com

Event Web Address (if applicable): N/A

Alternate contact name: LYN MURRAY Day Phone: (435) 688-2973

Cell/other: 435-231-2817 E-mail: LYN MURRAY 80 @ YAHOO.COM

EVENT DETAILS (Complete additional event details on page 3 of this form)

LOCATION TOWN SQUARE, AT PAVILLION

Location Details/Address: INTERSECTION OF TABERNACLE & 100 WEST

Event	Date(s): <u>JUNE 14th, 2013</u>	Start time: <u>6pm</u>	End time: <u>8:30pm</u>
Set-up	Date(s): <u>JUNE 14, 2013</u>	Start time: <u>12:00pm</u>	End time: <u>5pm</u>
Clean-up	Date(s): <u>JUNE 14, 2013</u>	Start time: <u>8:30pm</u>	End time: <u>10:00pm</u>

Is this a recurring event? YES If yes; daily, weekly or other? ANNUALLY

Is this a Annual Event? YES If yes; Same date and Place? YES, IF POSSIBLE

TYPE OF ACTIVITY check all that apply:

<input type="checkbox"/> Sporting	<input type="checkbox"/> 5K	<input type="checkbox"/> Parade	<input type="checkbox"/> Festival
<input type="checkbox"/> Film Production	<input type="checkbox"/> Vendor Booth	<input type="checkbox"/> Cycling	<input type="checkbox"/> 10K
<input type="checkbox"/> Dance	<input type="checkbox"/> Block Party	<input type="checkbox"/> Outdoors Sales	<input type="checkbox"/> Training
<input type="checkbox"/> Fun Run	<input type="checkbox"/> 1/2 Marathon	<input checked="" type="checkbox"/> Other:	

PARTICIPANTS

Number of participants expected: 150-200 Number of volunteers/event staff: 20

Open to the Public Private Group/Party

If event is open to the public, is it: Entrance Fee/Ticketed Event? NO Fee for Participants/Racers/Runners Only NO

SPECTATOR EVENT, NO CHARGE

SPECIAL EVENT PERMIT APPLICATION

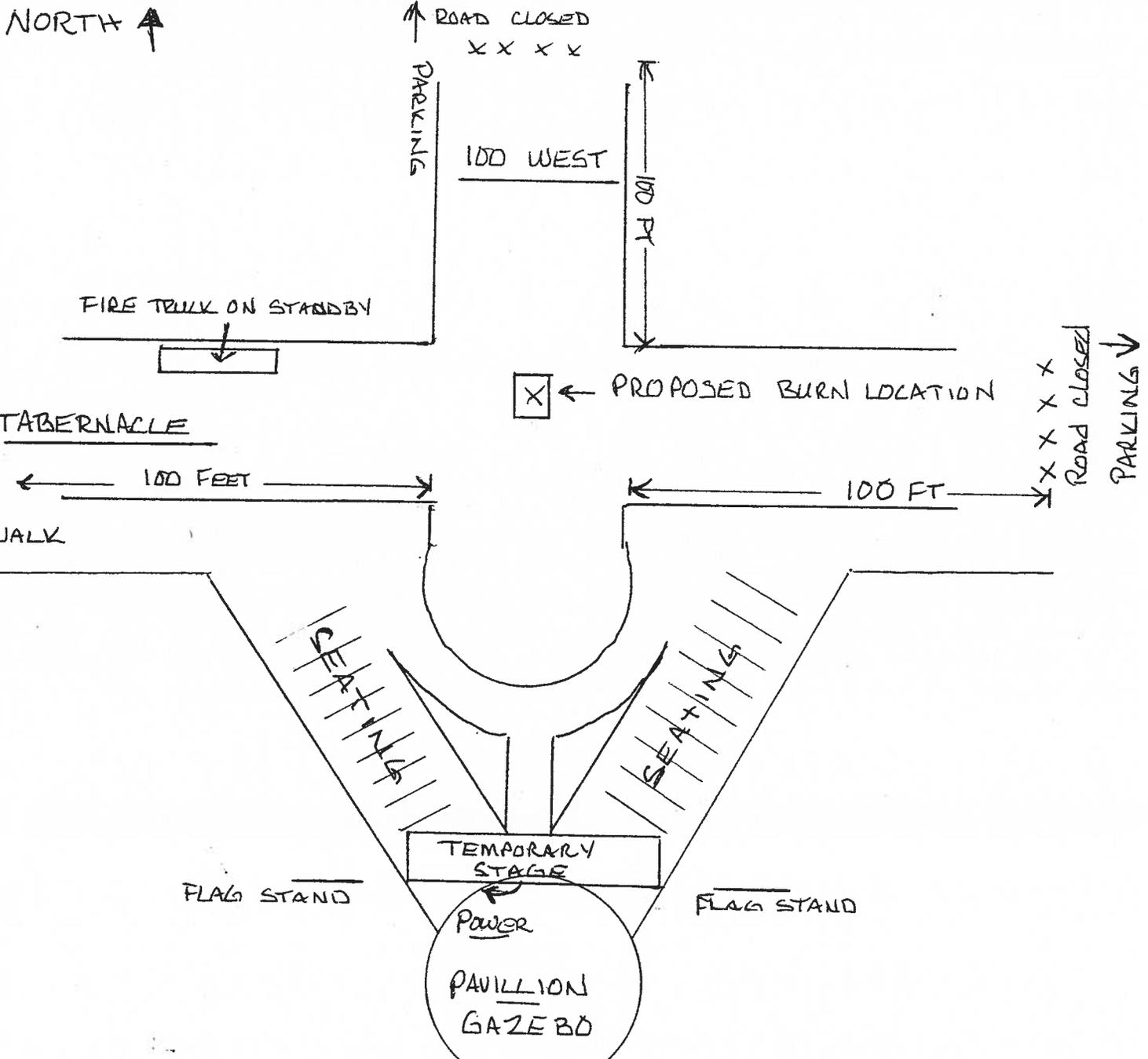
EVENT _____

DETAILED SITE MAP

PLEASE INCLUDE OR ATTACH A DETAILED SITE PLAN AND/OR ROUTE MAP. COMPUTER OR HAND-DRAWN SITE PLANS ARE APPROPRIATE. *Be aware that if you are faxing a map, many elements may not be visible.*

Your map should include:

- The names of streets, placement of barricades, and/or road closures
- The areas where participants and vendors/merchants will park
- Parade forming and disbanding areas, bleachers, etc.
- Vendor and booth placement



DRAFT

Agenda Item Number : **6C**

Request For Council Action

Date Submitted 2013-05-28 15:19:54

Applicant Rebekah Pectol

Quick Title United Way Dixie - Mike Wilson Concert

Subject Benefit Concert at Town Square on Friday June 7th from 7 to 8:30 pm. The applicant is requesting a waiver of the Special Event permit fee and the Town Square user fee.

Discussion

Cost \$0.00

City Manager Recommendation Another event in Town Square. We as always are concerned with costs of cleanup as some groups are better than others in cleaning up after themselves. I believe this is a first time event sponsored by United Way so they may not have a history.

Action Taken

Requested by Bill Swensen

File Attachments

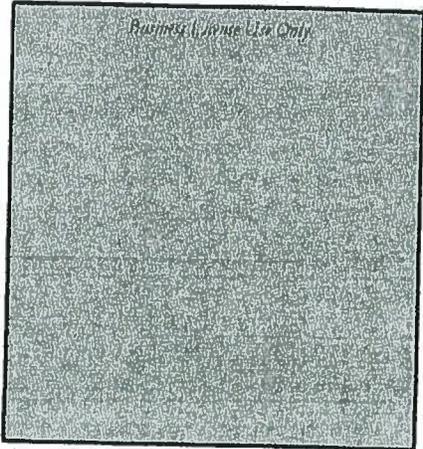
Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments Special Event approvals have been received from City Parks and SGPD on this event. Site visit planning meeting scheduled on Monday June 4 at 10 am.

FOR OFFICE USE ONLY

Insurance Received:	Date Received:
Application Fee Paid	Date Paid:



**SPECIAL EVENT
PERMIT APPLICATION
CITY OF ST. GEORGE**

City of St. George Special Events
175 E. 200 North
St. George, UT 84770

Phone: (435) 627-4128
Fax: (435) 627-4430
bill.swensen@sgcity.org

EVENT NAME: Mike Wilson Concert at Town Square- Charity Event for United Way Dixie

Applicant's Name: Rebekah Pectol

Organization: United Way Dixie

Mailing Address: 1070 W. 1600 S. Bldg. B

City, State, Zip: St. George, Utah 84770

Day Phone: 435-674-5939

Cell/other: 435-313-9550

E-mail: info@dixieunitedway.org

Event Web Address (if applicable): www.mikewilsonsontunes.com www.dixieunitedway.org

Alternate contact name: Mike Wilson

Day Phone:

Cell/other: 435-669-8943

E-mail: mikewilsonmusic@gmail.com

EVENT DETAILS (Complete additional event details on page 3 of this form)

LOCATION Town Square

Location Details/Address: Grass area and concrete stairs

Event	Date(s): June 7 th , 2013	Start time: 7:00pm	End time: 8:30pm
Set-up	Date(s): June 7 th , 2013	Start time: 5:00pm	End time: 7:00pm
Clean-up	Date(s): June 7 th , 2013	Start time: 8:30pm	End time: 9:30pm

Is this a recurring event? Possibly **If yes; daily, weekly or other?** no

Is this a Annual Event? Possibly **If yes; Same date and Place?** Possibly

- TYPE OF ACTIVITY** check all that apply:
- Sport g
 - 5K
 - Parade
 - Festival
 - Vendor
 - Film Production
 - Booth
 - Cycling
 - 10K
 - Dance
 - Block Party
 - Outdoors Sales
 - Training
 - F n Run
 - ½ Marat on
 - Other: Charity Event

PARTICIPANTS

Number of participants expected: 1000+ **Number of volunteers/event staff:** 40

Open to the Public- Free Community Event Private Group/Party

If event is open to the public, is it: Entrance Fee/Ticketed Fee for Participants/
Event? Free Admission Racers/Runners Only

May 7th, 2013
City of St. George
Attn: Marc Mortenson, Bill Swensen, and The City of St. George Council

Subject: Request for Special Event Fees to be waived.

To Whom it may concern:

On behalf of United Way Dixie we are excited to announce our Summer Event of a Community Benefit Concert featuring local artists Mike Wilson and John Houston to be held on June 7th, 2013 at 7:00pm. This will be a free admission community concert at Town Square and are expecting 1000+ attendees. As a way to seek donations, United Way Dixie will be inviting local vendors and volunteers to sell items for Charity. 100% of proceeds will go to United Way Dixie to help support their 17 local non-profit partner agencies which provide critical services for families in need right here in the Washington County area. A current list of the Charities this event will serve is included with this letter of request.

United Way Dixie would like to ask for **the City of St. George's support by waiving all special event permit and park usage/reservation fees associated with this event. By having these fees waived it will benefit the success of the charity event allowing more funds to go back to the community.**

As a sponsor, The City of St. George will be listed on all event promotions including posters and flyers placed at several locations in St. George and Hurricane. The city will also be listed on United Way Dixie's Website as a community partner for a year following the event.

United Way Dixie is committed to helping children succeed, providing basic human needs, improving health and wellness, and assisting the vulnerable and aging population. Without the generosity and support from our community we would not be able to fund the agencies that provide these important services to our neighbors in need. As we continue to work together we can **LIVE UNITED.**

Sincerely,

Rebekah Pectol
Administrator

GIVE. ADVOCATE. VOLUNTEER.

1070 West 1600 South, St. George, Utah 84770

Office 435-674-5939 * Fax 435-673-3540

Email: info@dixieunitedway.org Website: www.dixieunitedway.org

Mail donations to: P.O. Box 895, St. George, UT 84771

DRAFT

Agenda Item Number : **6D**

Request For Council Action

Date Submitted 2013-05-24 15:43:58

Applicant Reid Smeltzer

Quick Title Request for on premise beer/liquor license

Subject applicant is requesting approval for on premise beer/liquor license for Jazzys Rock N Roll Grill. This is an additional location at 1973 W Sunset Blvd #F

Discussion

Cost \$0.00

City Manager Recommendation Restaurant liquor license for a second location for Jazzy Rock and Roll grill. The location is in the Albertson shopping center off of Dixie Drive and Sunset. Application meets City requirements.

Action Taken

Requested by Shiloh Kirkland

File Attachments

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments

0031946

CITY OF ST GEORGE

RECH: 01136847 5/24/2013 3:28 PM
TRAN: 89.0000 LICENSES
OPER: D TERM: 025

APPLICANT'S QUESTIONNAIRE FOR BEER LICENSE

CITY LICENSE OFFICE, CITY OF ST GEORGE, UTAH
175 EAST 200 NORTH ST GEORGE, UT 84770

TENDERED: 50.00
APPLIED: 50.00-
CHANGE: 0.00

50.00CR
1 CHECK(S)

**NOTE: All questions must be answered completely or application will not be considered.
Please print or type.**

1. Full Name of Applicant Border R Smeltzer 543-60-5368
(First) (Middle) (Last) (Social Security No.)
2. Business Name Jazzy's Rock n Roll Grill
3. Location of Business 1973 Sunset Blvd. F St. George
4. Are you a citizen of the United States or registered alien? Moving to unit F Sunset Plaza St. George USA
5. Residence Address 150 North Crestline Drive St. George
6. Full Name of Spouse _____
(First) (Middle) (Last) (Maiden)
7. Have you at any time been convicted of a felony in any court in the U.S.? NO
If so, give Particulars - city, dates, etc. _____
8. Have you been convicted or pled guilty at any time to a law violation involving beer or alcoholic beverages? NO
If so, give particulars - city, dates, etc. _____
9. Give particulars of your employment or business engaged in during the past five years, stating dates, position or business, employer's name and address of business. If unemployed part of the time, so state, giving place of residence.
I HAVE OWNED Jazzy's for 19 years
10. Who owns the real estate where this business is located? DON DARLING - Dean Terry
285 N. Bluff St. George UT 1973 West Sunset Blvd St. George UT.

11. If premises are leased, state whether leased from owner or subleased from prior lessee.
leased From owner

12. Do you own fixtures at this location? NO
If not, give name and address of owner. Dean Terry

13. If you own fixtures at this location, state the investment which you have in fixtures and equipment \$ _____

14. How close is the nearest **Church** to the proposed business location? 1/4 mile 1320 ft.
(In Feet)

Nearest **School**? 1/4 mile Nearest **Park**? 1000 Nearest **Public Library**? 1200
(In Feet) (In Feet) (In Feet)

Nearest **Residential Treatment Facility**? CAN'T find one
(In Feet)

15. Will you serve food? Yes
If so, submit a sample of the menu you plan to use.

16. Has a license covering any place in which you had a financial interest ever been revoked or suspended? NO
If so, give name of individual to whom license was issued and year. _____

17. If you will be employed or otherwise occupied other than this business, state how much time you will spend at the other occupation or employment. 50%

18. How much time do you spend in the business represented in this application? 50%

19. Give name(s) of the person(s) to be in charge of this business during any time that you may be away from the premises. Paul Earl Smeltzer
(First) (Middle) (Last)

Home address: 685 Portland Street Klamath Falls Oregon

20. Are you familiar with the ordinance of the City of St. George regulating the sale of beer and alcoholic beverages? Yes

21. Have you ever held a beer or liquor license in Utah? Yes
If so, give Current 285 North Bluff St. George
(Dates) (Addresses)

BEER LICENSE APPLICATION

CITY OF ST GEORGE
BUSINESS LICENSE OFFICE
175 EAST 200 NORTH, ST GEORGE, UT 84770
435-627-4740

(This application must be accompanied by an Applicant's Questionnaire and satisfactory fingerprint cards)

Applicant must be the owner/operator. If the owner is a corporation, the applicant shall be the corporation's agent; if the owner is a partnership; the applicant shall be a general partner of the partnership.

Please print or type

1. Applicant's Name Borden Reid Smeltzer
First Middle Last

Corporation or partnership name, if applicant is an agent. _____

2. Name under which business will be operated (If different from name of applicant, corporation or partnership) JAZZY'S ROCK N ROLL GRILL
First Middle Last

3. Location of Business Unit F, Sunset Plaza St. George

4. Mailing address (If different from location of business)
1973 West Sunset Blvd

Address City State Zip

5. If party who will manage the business is different from the applicant; please provide the name and address of the managing party.

First Middle Last

Address City State Zip

6. If a corporation, list below or attach on a separate sheet, the names and addresses of the corporation's principal officers and any stockholders who own 10 % or more of the corporation. If a partnership, list the names and addresses of the other general

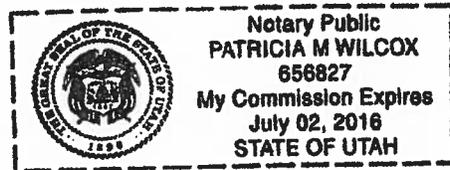
Applicant Signature Reid Smeltzer Date 5-

STATE OF UTAH)
) ss.
County of Washington)

I, REID SMELTZER being first duly sworn, depose and say the foregoing questionnaire is in all respects true and correct, to the best of my knowledge and belief and that I am the above named applicant. I understand that any false information constitutes perjury.

SUBSCRIBED AND SWORN TO before me this 24th day of MAY 2013.

Patricia Wilcox
Notary Public



My Commission Expires 07-02-2016.

If applicant is an agent for the corporation or partnership, an officer using the authority to do so, or the other general partners, will indicate the desire of the corporation or partnership to have the above -named applicant hold the beer license in his (her) name as the agent for the benefit of the corporation by affixing his (her) signature here, and he (she) further certifies that by signing this application he (she) is duly appointed, authorized and acting agent of the corporation or general partner of the partnership.

Name Title Date



Darin Oar
St George, Utah
May 9, 2013

St George City
CE-Reid Smeltzer

To Whom It May Concern,

It is my pleasure to recommend Reid Smeltzer as an upstanding member of our community. I have known Reid for five years in business and personal interactions.

Reid has displayed a high degree of responsibility and ambition. He is an active leader in our business community and regularly donates his time and resources to good causes and charities.

He is dependable and prompt. His good judgment ensures a logical and ethical approach to all endeavors.

I am happy to give Reid my respectful endorsement.

Sincerely,

Darin Oar
IGT
Manager

5/24/13

To whom it may concern:

I have known Reid Smeltzer for nearly 19 years, both personally and professionally, and find him to be a man of the highest character and integrity. I would recommend him for any licenses or permits he requires in carrying on a business in St. George, Utah or any other place for that matter.

Sincerely,

Rod Linford

1455 N. 1540 W., St. George, UT. 84770

(435) 680-0241



May 22, 2013

To Whom It May Concern:

Please accept this letter as a personal recommendation for the approval of the proposed Jazzy's location at the corner of Sunset Blvd. and Dixie Drive location.

I have been an active, concerned citizen of St. George for over twenty years (almost long enough to be considered a resident), and have known Reid Smeltzer from way back in the days of him operating a kiosk at the Red Cliff's Mall. I have known him to be very supportive of our community, his employees, and groups wishing to frequent his restaurant and business.

Currently a large group of classic car and hot rod enthusiasts meet every Wednesday at his current location and have never found any negative issues pertaining to his alcoholic beverage licensure. Many of us of the 25-45 regulars frequent his establishment many other times than just during the late morning/early lunch time. Quite often a group of us meet in the evenings to enjoy the friendly, safe atmosphere of Jazzy's. Not one time has any of us seen anything deterring us from continuing our support of him or him of us. Very few of our group are consumers of alcoholic libations but understand the addition to our community to have those services and products available under the watchful eye of someone so diligent as Reid and his well-trained staff.

I speak for a large number of our group in supporting approval of all licensing pursued by Reid and his Jazzy's business by the City of St. George, Washington County, and all licensing divisions of the State of Utah.

Sincerely,

Ken Kay

Ken Kay

611 West 110 South Circle St. George, Utah 84770 435-703-5981 ken@infowest.com

David Young
P.O. Box 910226
St. George, UT 84791-0226
(435) 421-9168

May 21, 2013

To Whom it May Concern,

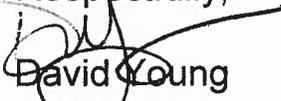
I have known Reid Smeltzer since I moved to Saint George in 2004. My wife and I are retired Probation Officers from San Diego County. I retired due to an on-duty disability after 25 years of service and my wife retired after serving 33 years with the Department. We were both Senior Probation Officers.

My wife and I have been visiting Jazzy Java daily for almost the entire time. It has become a regular routine and we enjoy the company of our fellow customers as well as the employees.

In that time, I have been able to observe Mr. Smeltzer in a business, as well as in a personal context. I can say, without hesitation, that Mr. Smeltzer maintains the highest standards of professionalism, food quality, and customer service. I have never observed any problems or issues concerning alcohol or the service thereof. Mr. Smeltzer takes his responsibilities and legal obligations very seriously and always insists in the highest standards of behavior from his employees.

I have no reservations regarding this letter and if further clarification is needed, please feel free to contact me.

Respectfully,



David Young
Saint George, Utah



135 N 900 E SAINT GEORGE, UT 84770
GIBSONSFLOORING@YAHOO.COM
ph:435.673.2607 fax:435.673.9839

To Whom It May Concern:

My name is Gerry Gibson. I am the Vice President of Gibson's Flooring. My business has been in operation for 35 years here in St. George. I have known Mr. Reid Smeltzer, the proprietor of Jazzy's Rock & Roll Grill; for over a decade and find him to be person of high moral character who strives to operate his business ethically. Please feel free to contact me with any further inquiry in regards to this matter.

Cordially,

A handwritten signature in black ink, appearing to read "Gerry G. Gibson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gerry G. Gibson

Friday, May 24th, 2013

Re: Reid Smeltzer

To Whom it May Concern:

I've always loved Southern Utah. In July of 2005, I felt like the time was right for me to move to St George. I'd worked hard for 18 years in Las Vegas and it seemed that I was well positioned to lend my promotional and organizational skills to help the local music scene flourish. I believe that Southern Utah has an extraordinary amount of very musically gifted individuals; more so than several large metropolitan areas that I am familiar with.

My first experience with Reid Smeltzer was as a customer looking for dining and entertainment options. Reid's musically themed business, Jazzy's Rock and Roll Grill, was an immediate draw. I could tell that Reid and his business had strong ties in the local community. I put together several Fundraiser/Benefits each year, about 80% of those are held at Jazzy's Rock and Roll Grille. These benefits have raised over \$40,000 for local charities like: Bikers against Child Abuse (BACA), The Dove Center, The Erin Kimball Foundation, The United Way, Real Men Fight Like Girls, Community Radio KTIM 95.3FM, local Veterans and Police groups in addition to many local residents that are battling chronic illnesses.

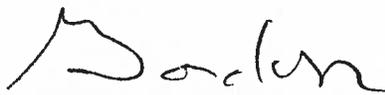
Reid is very generous when it comes to donating the use of his business location and contributes funds to help community events and benefit activities. It's not the lack generosity or size of wallet that limit's the success of these event's at Jazzy's; it is the physical size of his business location. Reid and I walked his

proposed new location and we have discussed how the bigger location should translate into the ability to host larger event's and thereby increase the amount of local charity work that can be accomplished.

As a musician, I've always admired Reid's commitment to providing performance opportunities for our large and talented musical community. The recent success of both the "Best of Open Mic" and the Rock and Roll Rumble (Battle of the Bands) is a testament to the value that Reid Smeltzer and Jazzy's Rock and Roll Grille brings to our musical community.

Reid Smeltzer is a valued corporate citizen. I am very supportive of Reid and his new Business plan. Jazzy's Rock and Roll Grille is a huge asset to our community. I support his business license application and hope that it will be approved.

Sincerely,



Gordon Strang

Southern Utah Song Writer's Association Board Member
Advisor to WasteCom Enviornmental
Local Music Director for KTIM 95.3 FM
Local music promoter and event planner
Musician

169 S Main St
St George, UT 84770
702-498-5222

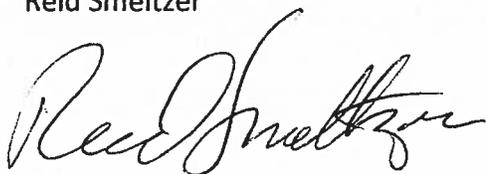
rocknrollgrill@hotmail.com

From: <rocknrollgrill@hotmail.com>
Date: Friday, May 24, 2013 12:10 PM
To: "Reid Smeltzer" <rocknrollgrill@hotmail.com>
Subject: Consent letter

To The city of St. George

This is a signed letter of consent from Reid Smeltzer allowing any Law Enforcement officer an unrestricted right to enter the licensed premises.

Reid Smeltzer

A handwritten signature in black ink, appearing to read "Reid Smeltzer". The signature is written in a cursive, flowing style.

5-24-13

License Number: _____

CITY OF ST. GEORGE

175 East 200 North • St. George, UT 84770 (435) 627-4740

APPLICATION FOR BUSINESS LICENSE

Office use only _____

FOR CITY OFFICE USE ONLY			
APPROVALS: (Required for New Business or Change of Location)			
Zoning _____	/Date _____	Business L.O. _____	
City Attorney _____	/Date _____	Police Chief _____	
Fire Chief _____	/Date _____	Building Dept. _____	/Date _____
Receipt Number _____	/Date _____	Date _____	/Date _____

Please check applicable box

- New
- Renewal (Must still complete form)
- Address change (Requires zoning approval)

Please Print

Name of Business Jazzy Rock n Roll Grill

Address at Which Business Will be Conducted 1923 West Sunset St. George UT 84770 Business Phone 435 668 8253

Street City State Zip

Mailing Address (If Different) _____ Phone _____

Name of Applicant Reid Smeltzer SSN# ~~XXXXXXXXXX~~ Home Phone _____

Residence Address of Applicant 150 North Crestline drive St. George UT. 84790

Street City State Zip

Please attach a copy of the applicable documents filed with the State or Utah Division of Corporations and Commercial Code

Business is: Corporation Sole Proprietorship Partnership Limited Liability Company

List all owners other than applicant. If a corporation, partnership, or limited liability company, list other officers, general partners or members.

Email Address rocknrollgrill@hotmail.com

Date of Commencing Business in St. George _____ Sales Tax Number Rut 11569 10700 Federal Tax ID 87-0628073

357C

Type of business to be conducted restaurant

If Required to be Licensed by State, Check Here **ALSO ATTACH A COPY OF STATE LICENSE.**

Average Number of Employees 6 Days & Hours of Operation Mon/Sun 7am 11pm

HOME OCCUPATION ORDINANCE: (Sign only if your are conducting a business out of your home. Request a copy of the Home Occupation Ordinance.)
I will comply with the provisions of the City's Ordinance for Home Occupation.

Signature _____ Date _____

BUSINESS LICENSE FEE PAYABLE:

General Business License Fee (\$50.00)	\$ <u>50</u>
Number of Full-Time Employees <u>2</u> at \$10.00 each	\$ <u>20</u>
Number of Part-Time Employees <u>4</u> at \$5.00 each (Who Will Work Less Than 450 Hours Per Year)	\$ <u>20</u>
\$25.00 Late Charge on renewals after February 28	\$ _____
Amount of Bond (If Required)	\$ _____
Total Fees Due (\$350.00 Maximum Before Late Fee)	\$ <u>90.</u>

Application completed by (please print): Reid Smeltzer Title owner

By submitting a signed application, the applicant certifies that the business does not and will not during the licensing period knowingly employ, or subcontract with any entity which employs workers in violation of 8 USC § 1324a. By signing, the applicant acknowledges that the applicant has read, understands, and agrees to comply with the requirements of federal and state law regarding eligibility of workers.

I understand that falsifying any information on this application constitutes sufficient cause for rejection or revocation of my license. I also understand that the City License Officer may require additional information as permitted by the ordinance, and also agree to supply the same as part of this application. I understand this License will expire December 3 and it is my responsibility to renew this License annually without further notification from the City of St. George.

* Authorized Applicant Signature Reid Smeltzer Title owner Date 5-19-13

* Application must be signed by: a) a corporate officer if the business is a corporation (i.e. a president, corporate secretary-treasurer, or vice president of the corporation, or the manager of one or more manufacturing, production or operation facilities, with authority to sign documents); b) a general partner, member or proprietor if the business is a partnership, limited liability company or proprietorship respectively; or, c) a duly authorized representative (written authorization and written change of authorization must be attached) of the corporation, general partnership, limited liability company or proprietorship.

·JAZZYS BREAKFAST MENU·

BREAKFAST IS SERVED ALL DAY

TOAST CHOICES: WHITE, WHEAT, SOUR DOUGH, RYE OR ENGLISH MUFFIN

EGG WHITES: \$0.95 EXTRA

#1: TWO EGGS ANY STYLE, HASH BROWNS, TOAST AND YOUR CHOICE OF BACON OR SAUSAGE **\$7.95**

#2: TWO EGGS ANY STYLE, HASH BROWNS, TOAST **\$5.95**

#3: **VEGGIE OMELET:** TOMATOES, BELL PEPPERS, MUSHROOMS, ONION, AVOCADO, BLACK OLIVES AND CHEDDAR CHEESE SERVED WITH HASH BROWNS AND TOAST **\$7.95**

#4: **MEAT LOVERS OMELET:** HAM, BACON, SAUSAGE, ONIONS, GREEN PEPPERS, MUSHROOMS, AND CHEDDAR CHEESE SERVED WITH HASH BROWNS AND TOAST **\$9.95**

#5: **FRENCH TOAST:** THREE WEDGES OF TEXAS TOAST SERVED WITH SYRUP AND BUTTER **\$5.95**
ADD BANANAS AND PECANS OR FRESH STRAWBERRIES (SEASONAL) \$2.00 EXTRA
MAKE IT CROISSANT FRENCH TOAST \$1.00 EXTRA

#6: **OLD FASHION BUTTERMILK PANCAKES:** SHORT STACK SERVED WITH SYRUP AND BUTTER **\$5.95**
ADD BANANAS AND PECANS OR FRESH STRAWBERRIES (SEASONAL) \$2.00 EXTRA

#7: **EGGS BENEDICT:** TWO POACHED EGGS AND HONEY ROASTED HAM SMOTHERED IN HOLLANDAISE SAUCE ON AN ENGLISH MUFFIN SERVED WITH HASH BROWNS **\$8.99**

#8: **NO CARB BREAKFAST:** TWO EGGS, AVOCADO AND TOMATO SLICES, COTTAGE CHEESE **\$5.95**

#9: **HAM AND CHEESE OMELET:** CHEESE AND HAM OMELET SERVED WITH HASH BROWNS AND TOAST **\$7.99**

·BREAKFAST SIDES·

16 OZ CUP OF MILK OR JUICE: **\$1.40**

24 OZ CUP OF MILK OR JUICE: **\$2.34**

BAGEL: **\$1.40**

3 SLICES BACON: **\$1.95**

TOMATO SLICES: **\$0.47**

TOAST: **\$0.89**

SAUSAGE PATTY: **\$1.95**

CHEESE: **\$0.47**

ONE PANCAKE: **\$2.33**

COTTAGE CHEESE: **\$0.95**

AVOCADO: **\$0.70**

·BEER AND WINE·

FOOD MUST BE ORDERED WITH ALCOHOL

·DRAFT BEER·

SHOCK TOP
(BELGIAN WHITE)

SQUATTERS
(HEFEWEIZEN)

EVOLUTION
(AMBER ALE)

JAMAICAN LAGER
(ZION BREWING COMPANY)

16OZ: \$3.25 / 24OZ: \$4.00 / PITCHER: \$11.95

BUDLIGHT AND PBR

16OZ: \$2.50 / 24OZ: 3.50 / PITCHER: \$7.50

·WINE·

\$4.00 PER GLASS

(\$6.00 CORKING FEE FOR YOUR OWN
BOTTLE)

MERLOT

CABERNET SAUVIGNON

·BOTTLED BEER·

3.2%: \$3.25 / 4%+: \$4.00

SIERRA NEVADA (5.6%)
(TORPEDO, PALE ALE, PORTER)

FULL SAIL (6%)
(IPA, PORTER)

WASATCH POLYGAMY PORTER (4%)

DEVASTATOR (8%)

OLD RASPUTIN (9%)

UINTA BARELY WINE (10.4%)

DEAD GUY ALE (6.6%)

SAM ADAMS (4%)

CORONA

BUDWEISER

BUD LIGHT

MICHELOB ULTRA

MILLER GENUINE DRAFT

·WINE COOLERS·

\$4.25

·BREAKFAST SANDWICHES·

PLAIN JANE: EGG AND TOMATO ON TOAST **\$3.75**

KEEP ON TRUCKIN: EGG, CHEDDAR CHEESE, HONEY MUSTARD ON A WHEAT BAGEL **\$4.50**

GO-GO GADGET: EGG, CHEDDAR CHEESE, SAUSAGE ON A WHEAT BAGEL **\$5.50**

GRETTA LOVE: SCRAMBLED EGG, PROVOLONE CHEESE, CREAM CHEESE, TOMATO, YOUR CHOICE OF BACON, SAUSAGE OR HAM ON A CROISSANT **\$6.50**

EARLY RISER: EGG, PROVOLONE CHEESE, AVOCADO, TOMATO, TOMATO BASIL DRESSING ON A WHEAT BAGEL **\$5.50**

OZZIE: EGG, CHEDDAR CHEESE, BACON, AVOCADO, TOMATO, TOMATO BASIL DRESSING ON AN ASIAGO BAGEL **\$6.50**

BURRITO: EGG, HASH BROWNS, CHEESE AND YOUR CHOICE OF BACON, SAUSAGE OR HAM **\$8.50**

·SMOOTHIES·

16OZ: **\$3.26** / 24 OZ: **\$4.20**

PINK FLOYD: ORANGE JUICE, VANILLA YOGURT, BANANA, STRAWBERRIES

DEEP PURPLE: APPLE JUICE, VANILLA YOGURT, RASPBERRY SHERBET, BANANA, BLUEBERRIES

CHUCK BERRY BLAST: APPLE JUICE, VANILLA YOGURT, STRAWBERRIES, BLUEBERRIES

ORANGE SUNSHINE: ORANGE JUICE, VANILLA YOGURT, ORANGE SHERBET, BANANA, PINEAPPLE

PASSIONATE PEACH: APPLE JUICE, VANILLA YOGURT, BANANA, PEACHES

YELLOW SUBMARINE: APPLE JUICE, PINEAPPLE SHERBET, BANANA, PINEAPPLE

NON-DAIRY BERRY: SOY MILK, HONEY, STRAWBERRIES, BANANA

SKIP AND GO NAKED: ORANGE JUICE, WHITE CHOCOLATE, ICE

ONE LOVE: APPLE JUICE, WHITE CHOCOLATE, VANILLA YOGURT, PEACHES, MANGO

TRIPPY HIPPIE: LEMONADE, SPRITE, RASPBERRY SHERBET, RASPBERRIES, STRAWBERRIES

STARBURST: APPLE JUICE, ORANGE SHERBET RASPBERRY SHERBET, PEACHES, STRAWBERRIES, PINEAPPLE

FABULOUSLY FRUITY: APPLE AND ORANGE JUICE, BLUEBERRIES, STRAWBERRIES, PINEAPPLE, PEACHES, BANANA

·JAZZYS SANDWICHES·

ALL SANDWICHES ARE SERVED ON YOUR CHOICE OF WHITE, WHEAT, SOUR DOUGH, RYE OR IN A WRAP AND COME WITH FRIES, POTATO SALAD OR A SMALL GREEN SALAD
(SWEET POTATO FRIES or ONION RINGS \$2.00 EXTRA)

TURKEY SPECIAL: (COLD) TURKEY, CRANBERRY, MAYO, CREAM CHEESE, LETTUCE \$7.50

CALIFORNIA MELT: (HOT) TURKEY, CHEDDAR CHEESE, MONTEREY JACK CHEESE, AVOCADO, TOMATO, ONION, LETTUCE, MAYO ON TOASTED BREAD \$7.95

WOODSTOCK '69: (HOT) TURKEY, SWISS CHEESE, AVOCADO, BLACK OLIVES, ONION, TOMATO, SAUTEED MUSHROOMS, 1000 ISLAND ON GRILLED BREAD \$7.95

EASY RIDER: (HOT) TURKEY, CRISP BACON, PROVOLONE CHEESE, AVOCADO, ONION, LETTUCE, TOMATO, RANCH DRESSING \$8.50

SAMMYS HOT HAMMY: (HOT) GRILLED HONEY HAM, CHEDDAR CHEESE, SWISS CHEESE, HONEY MUSTARD, MAYO, ONION, TOMATO, LETTUCE \$7.95

VEGGIE: (COLD) AVOCADO, CUCUMBER, TOMATO, MAYO, PROVOLONE CHEESE, SAUTEED MUSHROOMS, ONION, LETTUCE, TOMATO BASIL DRESSING \$7.50

YUMMY YUPPY: (COLD) TURKEY, MONTEREY JACK CHEESE, AVOCADO, CUCUMBER, BLACK OLIVES, ONION, MAYO, LETTUCE, TOMATO \$7.95

BUFFALO CHICKEN: (HOT) GRILLED CHICKEN, CRISP BACON, AVOCADO, LETTUCE, TOMATO, ONION, BUFFALO BLEU SAUCE \$8.50

CHICKEN PRESLEY: (HOT) GRILLED CHICKEN, CRISP BACON, TOMATO, ONION, AVOCADO, MILD HORSERADISH, MAYO ON GRILLED SOUR DOUGH \$8.50

PRESLEYS PASTRAMI: (HOT) GRILLED PASTRAMI, SWISS CHEESE, MAYO, MILD HORSERADISH, TOMATO, ONION \$7.95

RINGOS REUBEN: (HOT) GRILLED PASTRAMI, SAUERKRAUT, 1000 ISLAND, SWISS CHEESE ON GRILLED RYE \$7.95

BEASTIE BOY: (HOT) GRILLED PASTRAMI, SWISS CHEESE, CRISP BACON, ONION, TOMATO, MAYO, DELI MUSTARD \$7.95

GRILLED CHEESE: CHEDDAR AND MONTEREY JACK CHEESE \$6.95

B. L. TEASE: BACON, LETTUCE, TOMATO, CHEDDAR AND SWISS CHEESE, MAYO \$7.95

PHILLY CHEESE STEAK: GRILLED STEAK, ONIONS, PEPPERS, MUSHROOMS, AND PROVOLONE CHEESE ON AN ITALIAN HOAGIE ROLL \$8.95

·JAZZYS BURGERS·

ALL BURGERS COME WITH A SIDE OF FRIES, POTATO SALAD OR SMALL GREEN SALAD
(SWEET POTATO FRIES OR ONION RINGS \$2.00 EXTRA)
BLACK BEAN or BOCA BURGER AVAILABLE: \$1.86 EXTRA

BASIC BURGER: TOMATO, LETTUCE, ONION, PICKLE, FRY SAUCE **\$6.00**

CHEESE BURGER: CHEDDAR CHEESE, TOMATO, LETTUCE, ONION, PICKLE, FRY SAUCE **\$6.50**

GARLIC BURGER: GARLIC, SWISS CHEESE, GRILLED ONIONS, LETTUCE, TOMATO, DIJON **\$6.95**

SWISS MUSHROOM BURGER: SWISS CHEESE, TOMATO, SAUTÉED MUSHROOMS, ONION,
LETTUCE, DIJON MUSTARD **\$7.50**

BACON CHEESE BURGER: CRISP BACON, CHEDDAR CHEESE, TOMATO, LETTUCE, ONION,
FRY SAUCE **\$7.95**

CALIFORNIA BURGER: AVOCADO, MONTEREY JACK CHEESE, TOMATO, ONION, FRY SAUCE,
GRILLED PARMESAN SOUR DOUGH **\$7.95**

PASTRAMI BURGER: GRILLED PASTRAMI, SWISS CHEESE, TOMATO, GRILLED ONIONS, 1000
ISLAND, ON GRILLED RYE BREAD **\$8.95**

BAD AZZ BURGER: CHEDDAR CHEESE, BBQ SAUCE, BACON, PEPPERONCINI, BEER BATTERED
ONION RING, LETTUCE, TOMATO, ONION **\$8.95**

THE BRONX BURGER: CHEDDAR CHEESE, BACON, HAM, FRIED EGG, ONION, TOMATO, HONEY
MUSTARD **\$9.95**

FETA BLEUS BURGER: TEXAS TOAST, TOMATO, BLEU CHEESE, FETA CHEESE, SWISS CHEESE,
BACON, LETTUCE, PICKLE, CRACKED PEPPERCORN **\$7.95**

CHICKEN STRIPS: 3 CHICKEN STRIPS AND FRIES **\$7.95**

·WRAPS·

ALL WRAPS SERVED WITH YOUR CHOICE OF FRIES, POTATO SALAD OR A SMALL GREEN SALAD
(SWEET POTATO FRIES OR ONION RINGS \$2.00 EXTRA)

CRISPY CHICKEN WRAP: CRISP CHICKEN, LETTUCE, TOMATO, CHEESE AND RANCH **\$7.95**

JAZZY BURRITO: BEEF OR CHICKEN, BEANS, LETTUCE, TOMATO, CHEESE, ONIONS, CHIPOTLE
RANCH **\$7.95**

CALIFORNIA WRAP: TURKEY, HAM, BACON, RANCH, LETTUCE, TOMATO, ONION, CHEESE,
AVOCADO **\$8.95**



Directions to Snow Canyon High School
1385 Lava Flow Dr, St George, UT 84770 - (435) 634-1967
1.1 mi -- about 2 mins



1973 W Sunset Blvd, St George, UT 84770

-
1. Head west on W Sunset Blvd toward N Daybreak Dr
About 56 secs

go 0.6 mi
total 0.6 mi



2. Take the 3rd right onto N 2400 W
Destination will be on the left
About 1 min

go 0.5 mi
total 1.1 mi



Snow Canyon High School
1385 Lava Flow Dr, St George, UT 84770 - (435) 634-1967

School

Nearest public playground



Directions to St George Golf Club
2190 S 1400 E, St George, UT 84790 - (435) 627-4404
8.1 mi -- about 16 mins



1973 W Sunset Blvd, St George, UT 84770

-
- 1. Head east on W Sunset Blvd toward N Dixie Dr go 476 ft
total 476 ft
 - 2. Take the 1st right onto N Dixie Dr
About 7 mins go 4.1 mi
total 4.2 mi
 - 3. Slight right onto Dixie Dr
About 2 mins go 1.1 mi
total 5.3 mi
 - 4. Continue onto S 270 E go 0.1 mi
total 5.4 mi
 - 5. Turn right onto E Riverside Dr
About 3 mins go 1.4 mi
total 6.8 mi
 - 6. Turn right onto S River Rd
About 2 mins go 1.0 mi
total 7.8 mi
 - 7. Turn right onto N Fort Pierce Dr go 262 ft
total 7.9 mi
 - ⬅ 8. Take the 1st left onto S 1400 E
Destination will be on the right go 0.2 mi
total 8.1 mi
-
- St George Golf Club**
2190 S 1400 E, St George, UT 84790 - (435) 627-4404
-



Directions to Royal Oaks Park
St George, UT 84770
1.2 mi - about 4 mins



1973 W Sunset Blvd, St George, UT 84770

1. Head east on W Sunset Blvd toward N Dixie Dr
About 1 min

go 0.6 mi
total 0.6 mi



2. Take the 3rd left onto N 1400 W
Destination will be on the right
About 2 mins

go 0.6 mi
total 1.2 mi



Royal Oaks Park
St George, UT 84770

Park



Directions to Church of Jesus Christ of LDS
1184 N Dixie Downs Rd, St George, UT 84770
0.5 mi - about 2 mins



1973 W Sunset Blvd, St George, UT 84770

1. Head east on W Sunset Blvd toward N Dixie Dr

go 476 ft
total 476 ft



2. Turn left onto N Dixie Downs Rd
Destination will be on the right
About 2 mins

go 0.4 mi
total 0.5 mi



Church of Jesus Christ of LDS
1184 N Dixie Downs Rd, St George, UT 84770

Church



Directions to nearest library
0.7 mi - about 1 min



1973 W Sunset Blvd, St George, UT 84770

-
1. **Head west on W Sunset Blvd toward N Daybreak Dr**
Destination will be on the right
About 1 min

go 0.7 mi
total 0.7 mi



nearest library

Library

DRAFTAgenda Item Number : **6E**

Request For Council Action

Date Submitted 2013-05-22 10:13:08

Applicant Hillside Reclamation Committee

Quick Title Report from the Hillside Reclamation Committee

Subject Consider the report from the Hillside Reclamation Committee regarding reclamation of the West Black Hill.

Discussion The Mayor asked ten people to serve on a short-term committee to make a recommendation regarding the best method for repairing the large scar above the old airport on the West Black Hill. The committee has met five times and prepared a recommendation for a demonstration project to repair the 900' long cut near the top of the city owned property which is adjacent to the south of the large scar above the Shadow Hill town homes (Flowers property). The Mayor asked that the committee to make their report to the Council so questions could be asked by the Council and the public could be aware of this effort to repair the highly visible scar on the hillside.

Cost \$0.00

City Manager Recommendation Report from the restoration committee. The City did receive an \$50,000 donation to help with this project if the Council chooses to go forward with the recommendation.

Action Taken

Requested by Bob N

File Attachments

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments

May 28, 2013

TO: Mayor McArthur & City Council members

FROM: **Hillside Reclamation Advisory Committee**

Jennifer Kraft, Chairman	Dave Black	Ed Burgess
Todd Edwards	Wes Jenkins	Jerry Koontz
Russ Owens	Bob Nicholson	Wayne Rogers
Wade Wixom		

RE: Committee Recommendations

The Hillside Reclamation Advisory Committee consists of ten people asked by Mayor McArthur to serve on the committee to develop a recommendation on the best way to reclaim the large red scar on the West Black Hill above the old municipal airport. Committee members were asked to serve on the committee based on their professional expertise or their expressed interest in wanting to help develop a solution to fix the scar on the hillside. The committee has met five times beginning on March 20, 2013 and as recently as May 15, 2013. The committee has met at noon on the first and third Wednesdays, and on April 17th made a site visit to the scar site.

The large scar extends across two parcels, the north parcel owned by Craig Flowers and sons, and the south parcel by the City of St George. The committee recommendations for each parcel are as follows;

1. **North Parcel owned by Flowers.** In 1987 the St George City Council approved a Planned Development Zone and preliminary plat for the approximately 8 acre site. The concept plan/preliminary plat under the Planned Development Zone showed 65 units extending up the hillside with four rows of attached townhome units fronting on two private streets. To date only one row of units (16 townhomes) have been built on the east side of a 25' wide private street. Potentially 49 units remain to be built subject to meeting city development codes. The large scarred area above the existing sixteen townhomes has remained virtually unchanged since the original excavation work in 1987. Due to the steep slope and hard soil material very little revegetation has occurred except on the bench areas where a few native plants have grown. Two obstacles exist to any immediate reclamation of this property; first the property is privately owned, and second, the property has additional development potential which could affect any reclamation efforts if undertaken prior to the next phase of development. The committee feels that appropriate development can cover some of the scarred area from public view, and could also improve the current public view from a barren red scar to units that blend in color to the natural hillside with the remaining smaller upper scar area repaired to look like natural hillside. Hillside reclamation should be a part of the future development of the property by the property developer.

2. **South Parcel owned by St George City.** A number of years ago the city purchased this 14.8 acre parcel zoned R-3 from Kevin Flowers. This parcel extends to the top ridgeline and about half the property has been excavated to some extent with an approximately 900' long road cut near the upper portion of the property. The committee refers to this 900' long cut as the 'eyebrow' of the property. The committee recommends that the eyebrow area or at least a portion of it, be a demonstration project to both reclaim this highly visible cut area, and also as a means to test reclamation methods which could be applied to the rest of the scar area. Two reclamation methods could be tried in the eyebrow area; (1) Reconstruct slope, re-seed, and stain rock, and (2) Shotcrete Wall and re-seed. The two methods will be briefly summarized below.

a. **Reconstruct slope, re-seed, and stain rock.** The 1987 road cut scar was simply a matter of excavating soil and rock and pushing the cut material down slope. The proposed reclamation method is to reconstruct the natural slope as much as feasible by pulling/scraping the over-burden material from below the cut back into the cut area, re-seed with native plant seeds in the winter or spring when rainfall can be expected, and stain large boulders with a black rock stain. Some black volcanic cinders or rock may need to be imported to help provide a natural gray texture to the reclaimed area. Quality Excavation provided the committee with a rough cost estimate of \$99,000 to re-construct 600' of the 900' long eyebrow cut, with additional cost for re-seeding and rock staining on approximately 45,500 sq ft of area. (See attached cost estimate). Depending on the amount of precipitation received it is very likely that native seeds can grow successfully without additional irrigation. (An example of this is the re-claimed garbage dump located north of the city off the 'Turkey Farm Road' which was cleaned up and was successfully revegetated by re-seeding and natural precipitation in the early 1990's.) Based on this estimate the entire 900' eyebrow area could be re-constructed for approximately \$150,000 plus the cost for re-seeding and rock staining. This reclamation method is relatively straightforward with an excellent chance for reclaiming a natural looking hillside, although it may take a couple of years or more for re-seeding to result in enough vegetation to make a noticeable difference from a distance.

b. **Shotcrete Wall.** A 'shotcrete' or 'gunnite' wall is another method that may be a better or only alternative on very steep slopes where excavation equipment may be difficult to use and where overburden is not readily available for refilling a cut. A shotcrete wall would basically be spraying a concrete like material over a mesh fabric which is bolted into the hillside. The shotcrete material becomes the new exterior surface and can be stained to match the surrounding natural colors. This reclamation technique is often used by road contractors to repair steep hillside cuts along roadways. The cost for such is expected to be much higher than re-constructing a cut where fill is readily available, but in some cases may be the only viable alternative for repairing a steep cut.

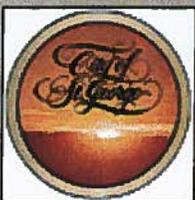
3. In summary, the committee recommends that the eyebrow area be a demonstration area to show that reclamation can successfully be done at a reasonable cost. Depending on funds available the committee recommends that in order to benefit from mobilization costs that the entire 900' eyebrow area be undertaken (\$150,000 plus re-seeding cost and rock staining). The rock stain material costs about 9 cents per sq ft but the amount of large boulders that might need staining is difficult to estimate. Also it is assumed that city crews or volunteers can re-seed the area by hand during the winter or spring season, so the only expense will be the cost of native seeds.
By beginning the hillside reclamation effort the community can be encouraged to participate both through financial contributions, and also with volunteer help such as re-seeding or rock staining. The reclaimed eyebrow cut area would represent significant progress towards a natural looking hill and would provide a learning experience for best methods to reclaim the balance of the hill when conditions allow for further reclamation.

COST ESTIMATE for 600 FT.

GENERAL CONDITIONS	QUANTITY	UNIT COST	TOTAL
1 MOBILIZATION	1 LS	\$ 5,000.00	\$ 5,000.00
2 EROSION CONTROL	1 LS	\$ 3,000.00	\$ 3,000.00
3 AGING SPRAY	45487 SF	\$ -	\$ -
4 SEEDING (HAND)	45487 SF	\$ -	\$ -
		SUB TOTAL:	\$ 8,000.00
EXCAVATION			
5 SLIDE PROTECTION BERM	1 LS	\$ 1,500.00	\$ 1,500.00
6 CLEAR ACCESS ROAD	1 LS	\$ 1,500.00	\$ 1,500.00
7 BASIC ROUGH GRADING W/ SORT & SCREEN ONSITE MATERIAL	1787 CY	\$ 7.50	\$ 13,402.50
8 IMPORT	1592 CY	\$ 4.00	\$ 6,368.00
9 PLACE COMPACT AND FINISH SLOPE SUBGRADE	45487 SF	\$ 1.00	\$ 45,487.00
10 PLACE ON SITE BOULDERS (APPROX. 50% COVERAGE)	22744 SF	\$ 1.00	\$ 22,744.00
		SUB TOTAL:	\$ 91,001.50
		GRAND TOTAL:	\$ 99,001.50

600' ft. of 900' ft.

Note: Cost estimate for 900' = \$150,000 plus cost
for re-seeding & rockstaining.



Scar on Black Hill

Made by the City of St. George GIS Department
SGCityMaps - <http://maps.sgcity.org/egcitymaps>

May 20, 2013

D

660 W ST

65 S ST

6.70
ACRES

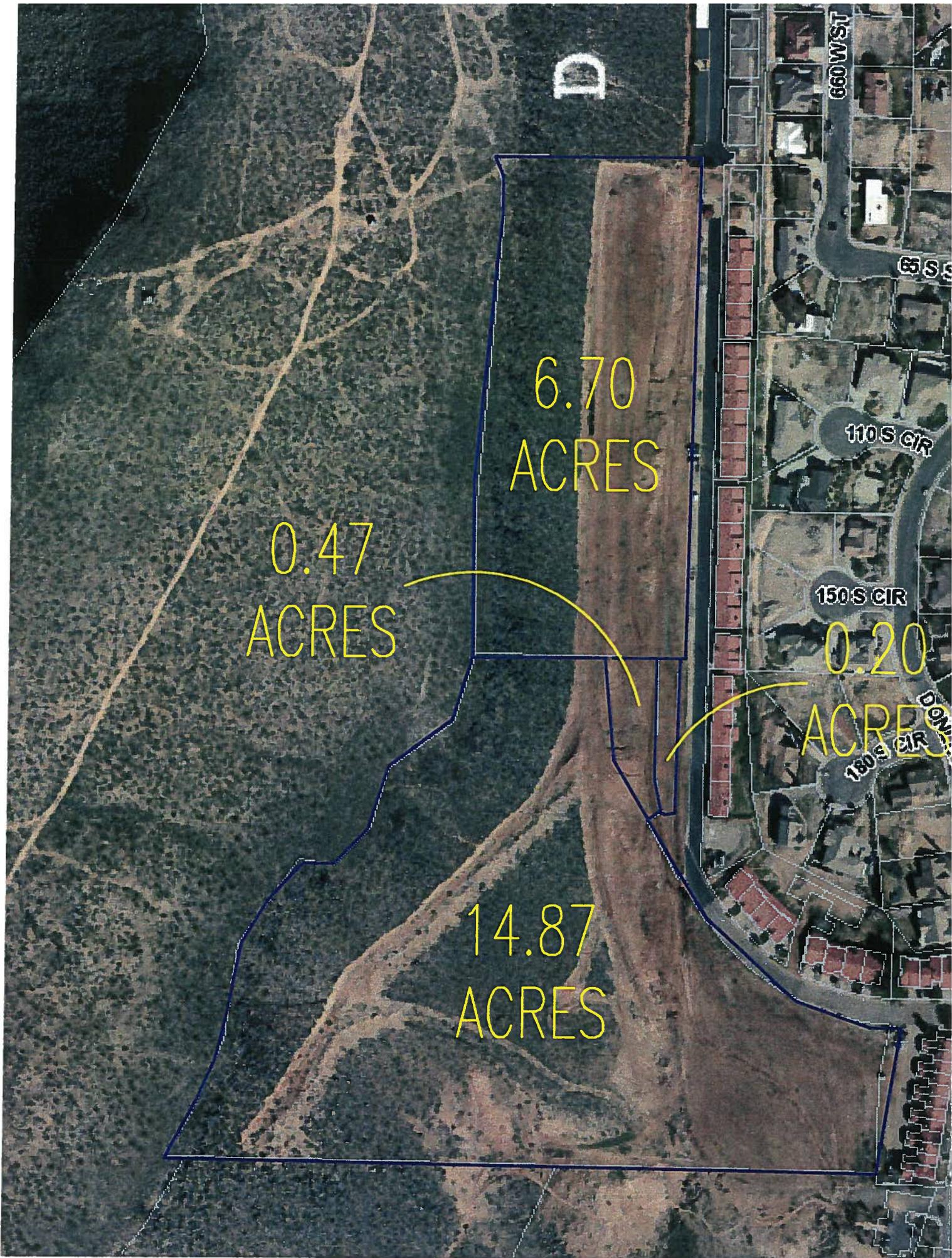
0.47
ACRES

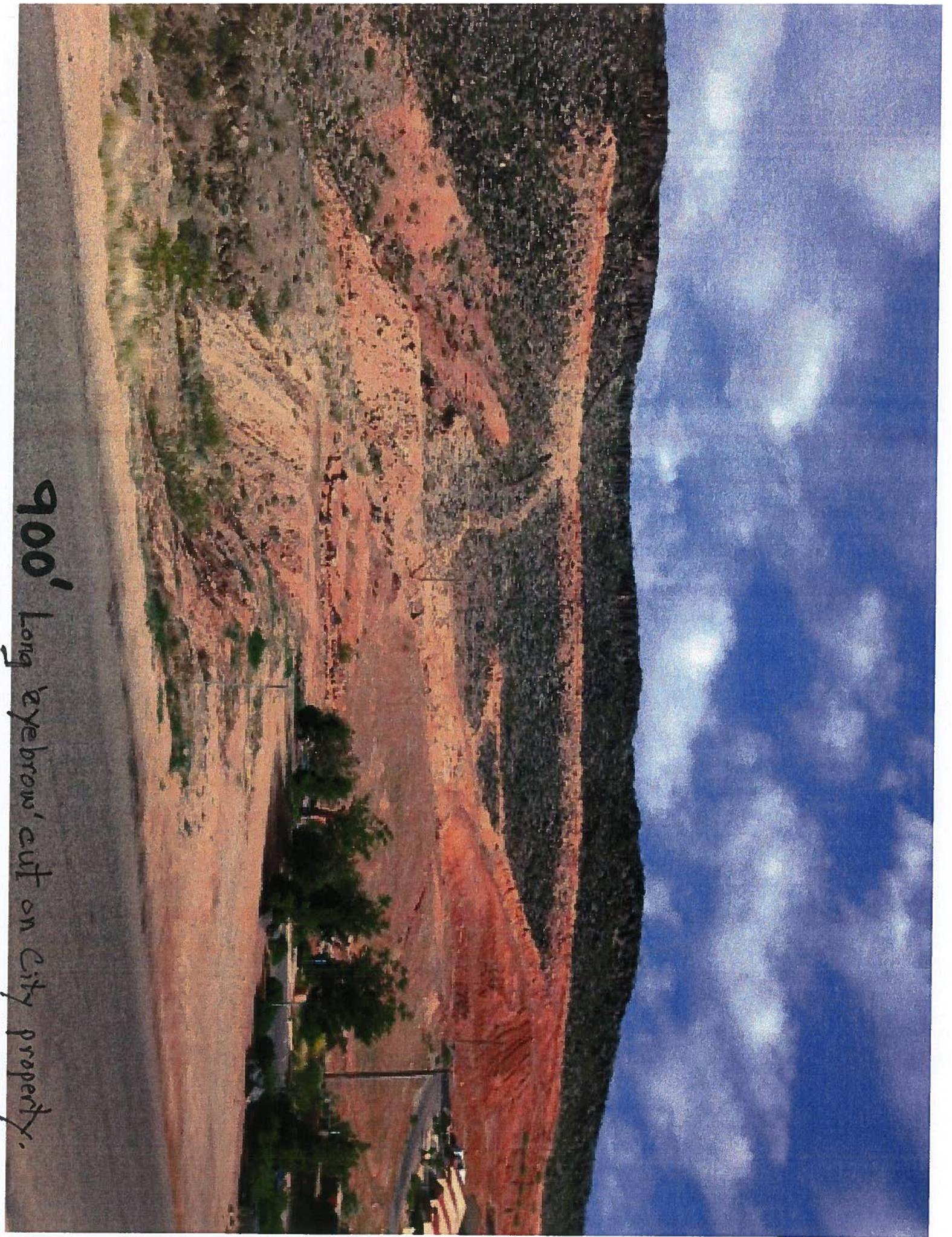
110 S CIR

150 S CIR
0.20
ACRES

180 S CIR

14.87
ACRES





900' Long 'eyebrow' cut on City property.

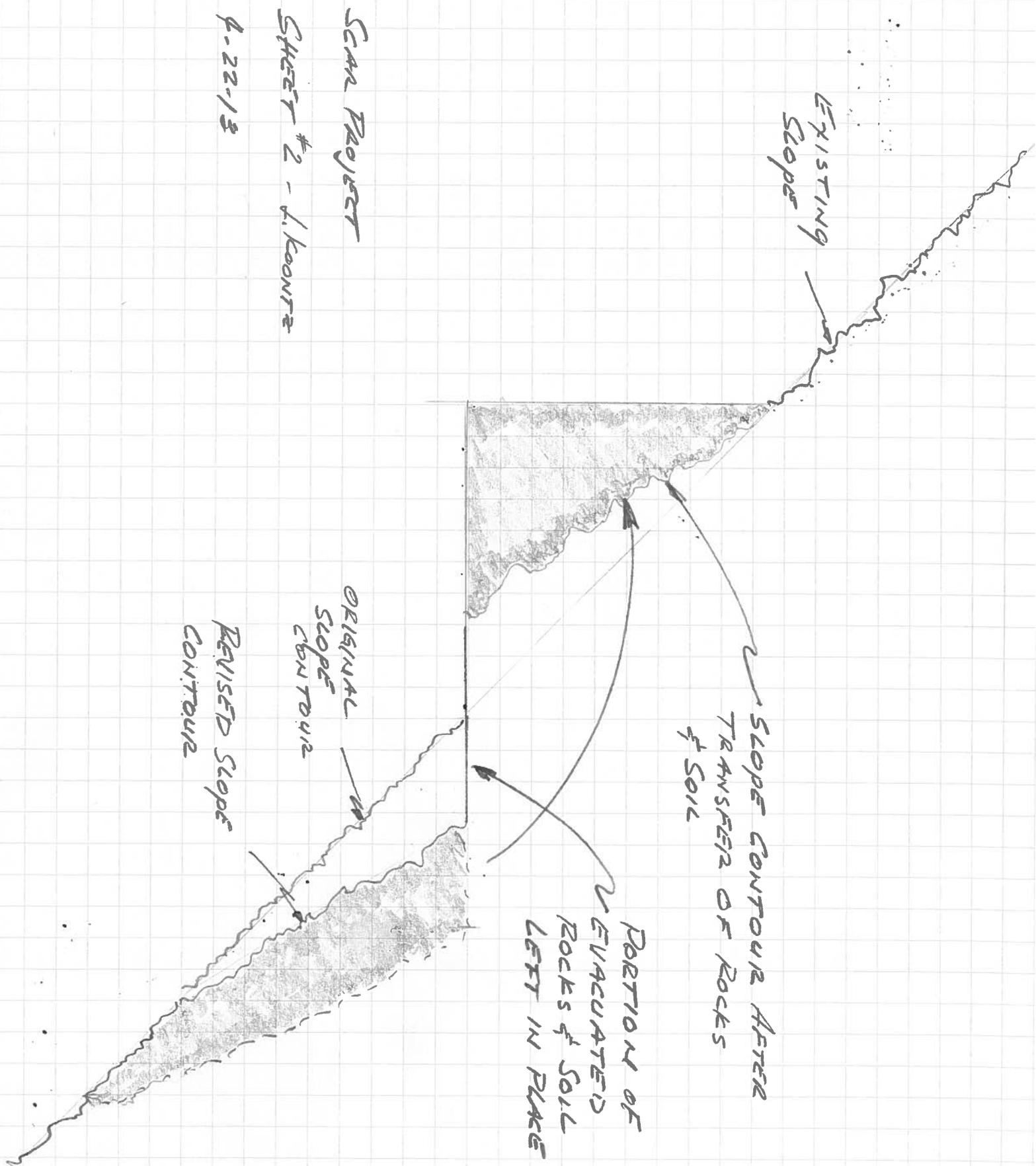
'Eyebrow' cut



SUBJECT		MARK STEEL CORPORATION		REVISION	REFERENCE NO.
MADE BY	CHKD BY	DATE	DATE	MADE BY	CHKD BY
DATE	DATE	DATE	DATE	DATE	DATE
SHT _____ OF _____					



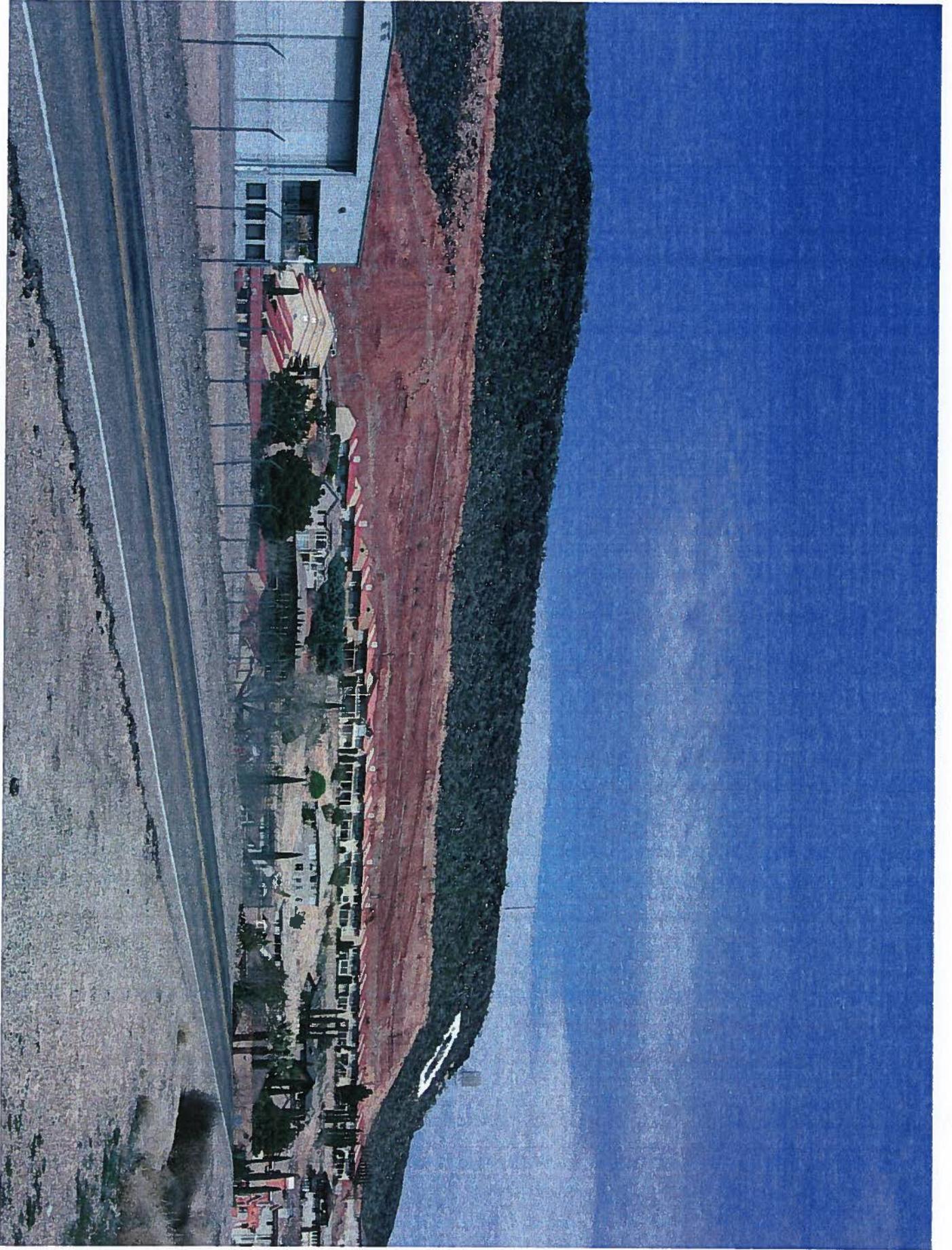
SCAR PROJECT
 SHEET #2 - A. KOONTZ
 4-22-13



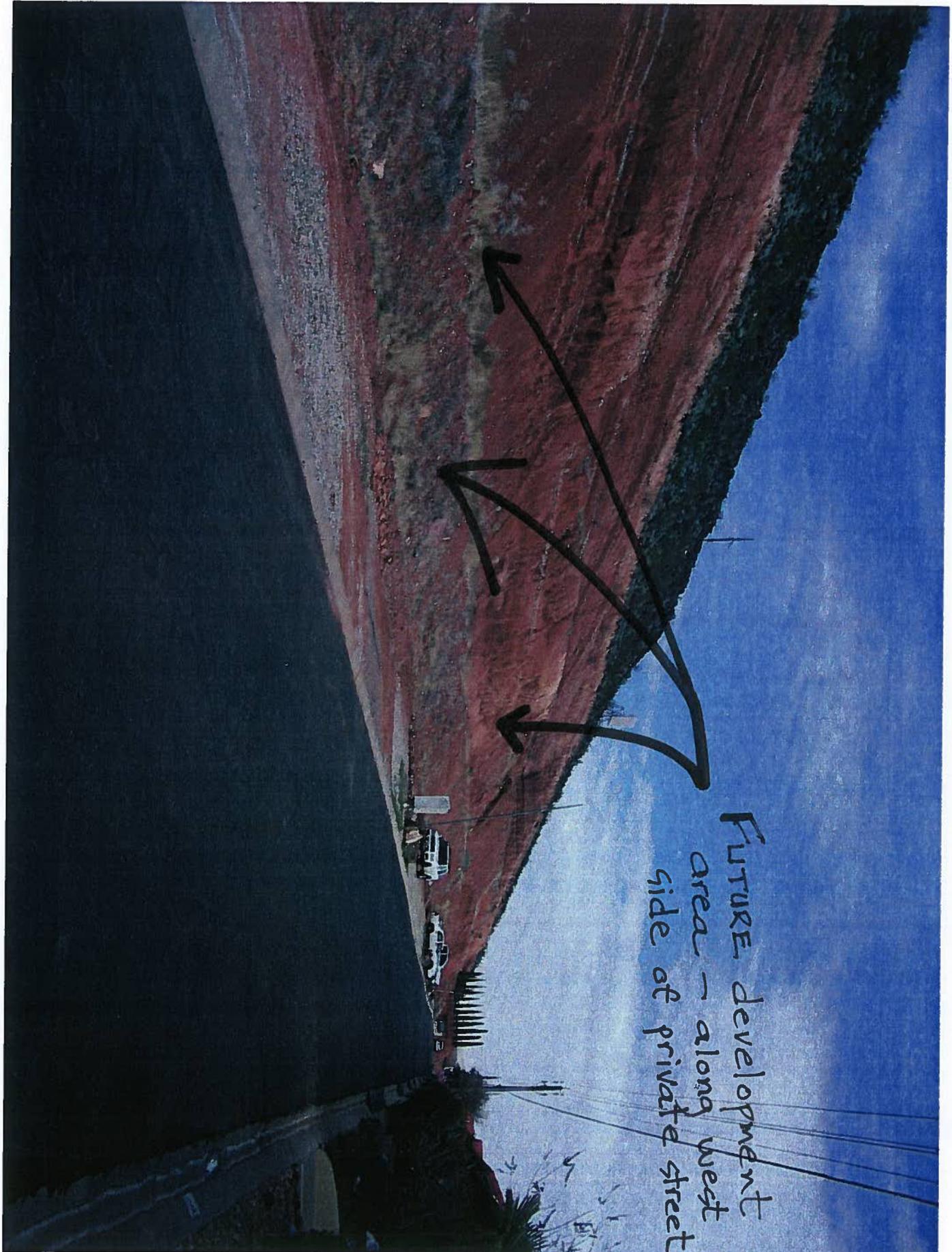
SUBJECT		MARK STEEL CORPORATION			
REVISION	MADE BY	CHKD BY	DATE	DATE	DATE
REVISION	CHKD BY	DATE	DATE	DATE	DATE
REFERENCE NO.	SHT _____ OF _____				

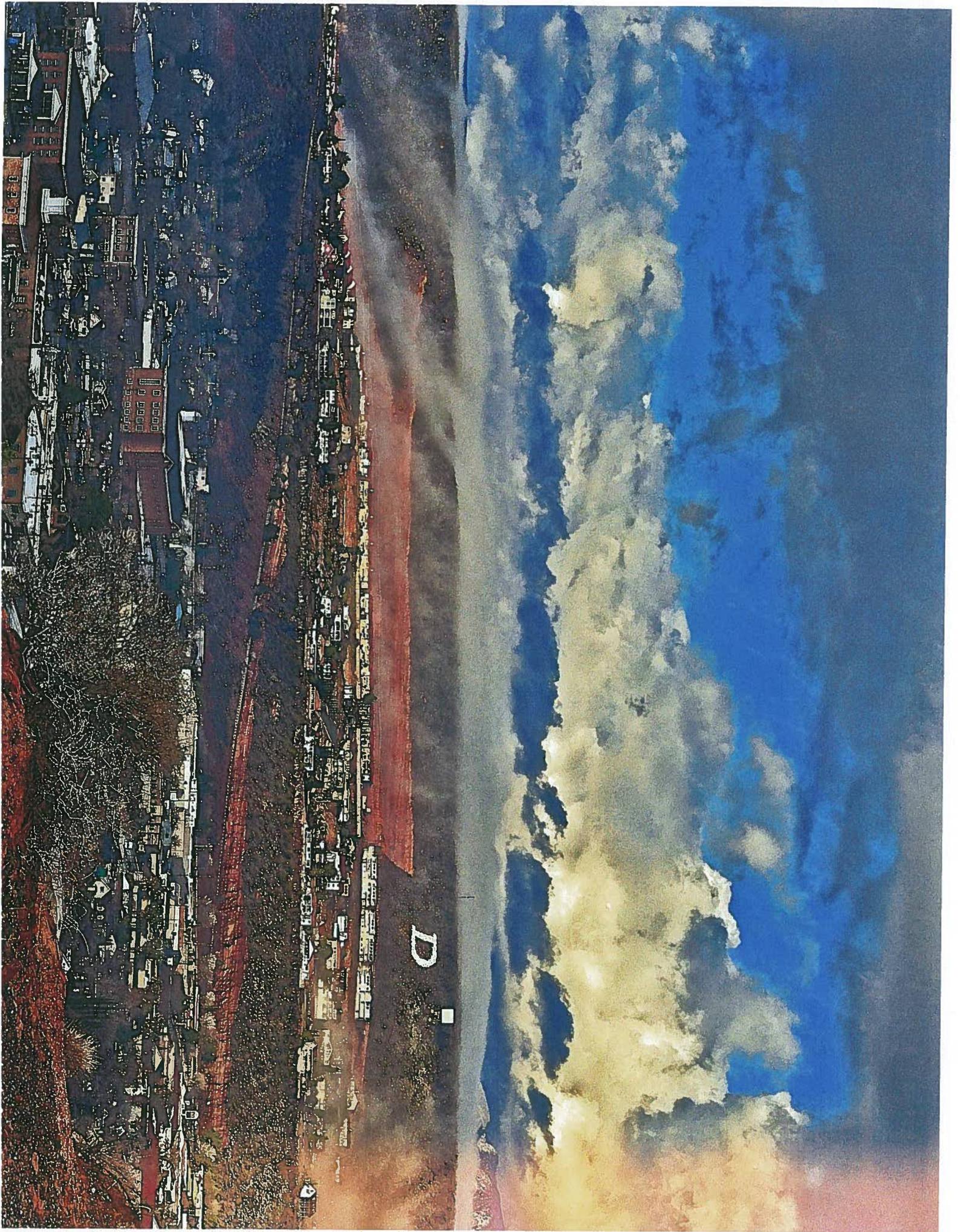






Future development
area - along west
side of private street.

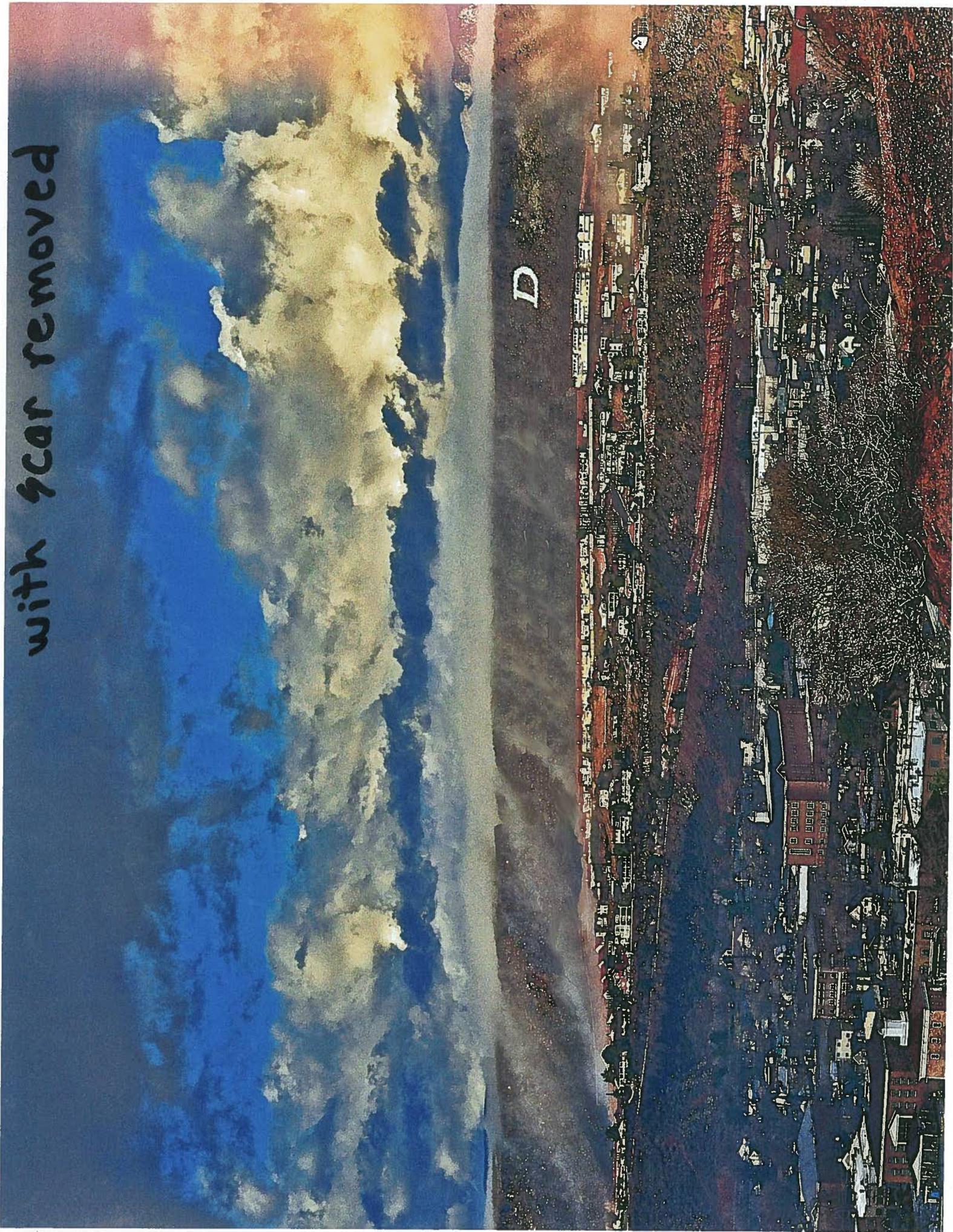




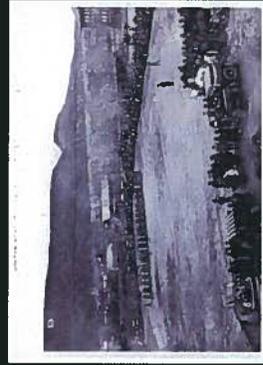
D

with 9car removed

D



Black Hill Hillside Reclamation



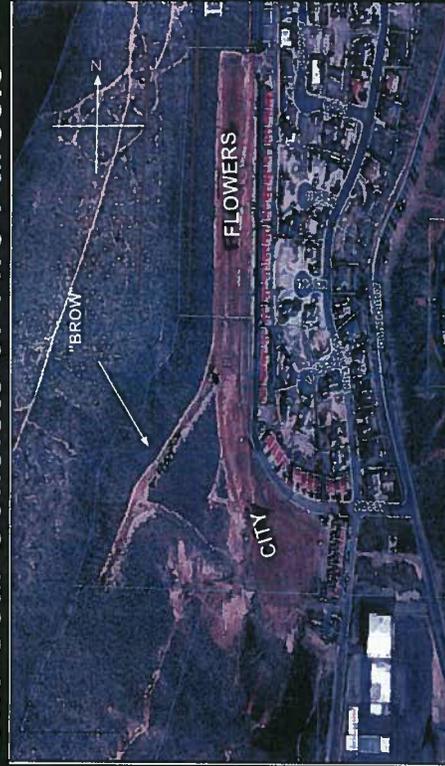
Hillside Reclamation Committee

Jennifer Kraft, Chairman
 Todd Edwards
 Russ Owens
 Wade Wixom
 Dave Black

Bob Nicholson
 Ed Burgess
 Jerry Koontz
 Wayne Rogers
 Wes Jenkins



The Scar Consists of Two Parcels



City owns the South Brow Flowers north end by "The D"

Row of 16 Townhomes & 25 ft. Private Road

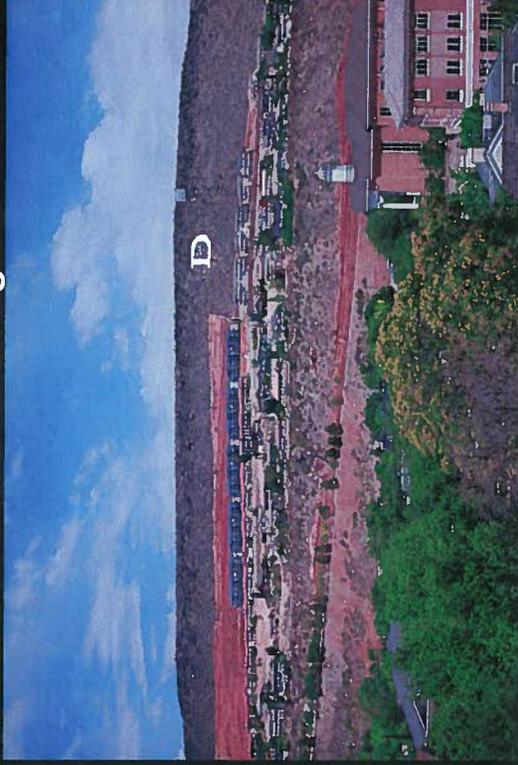


Potentially 49 Units, remain to be built

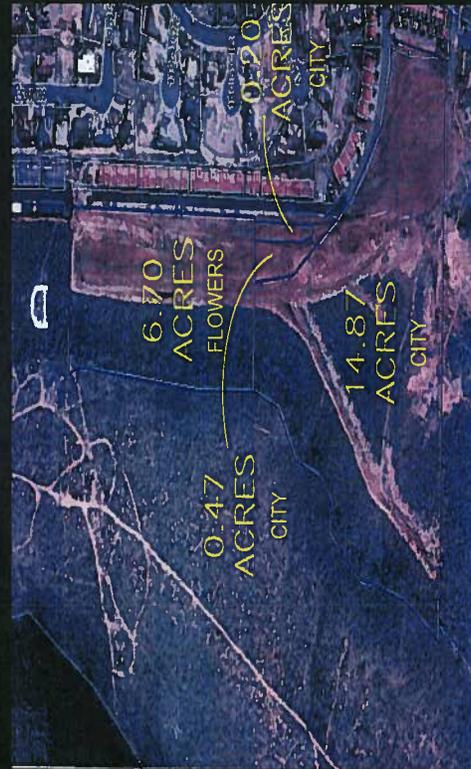
6.7 Acre Red Scar



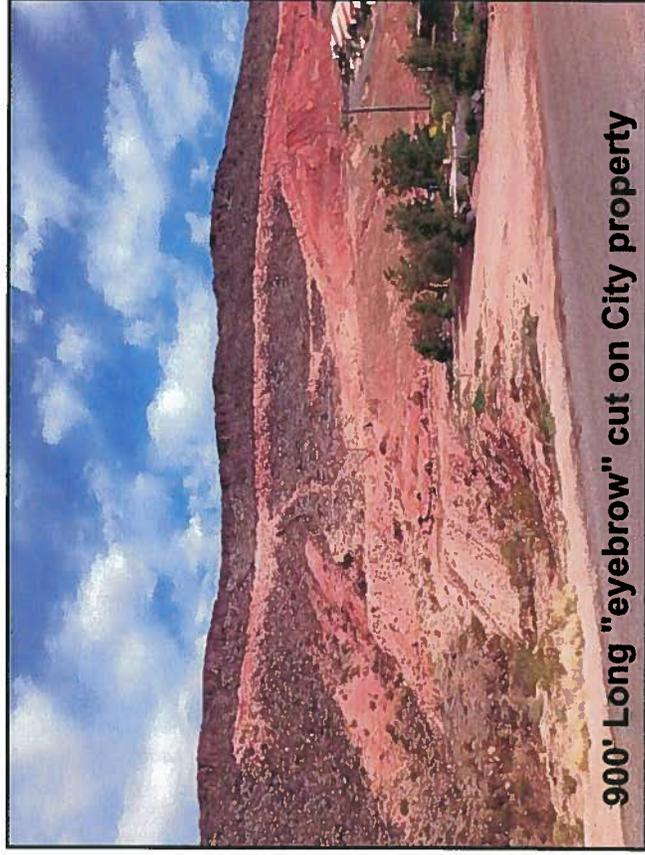
6.7 Acre with Rendering

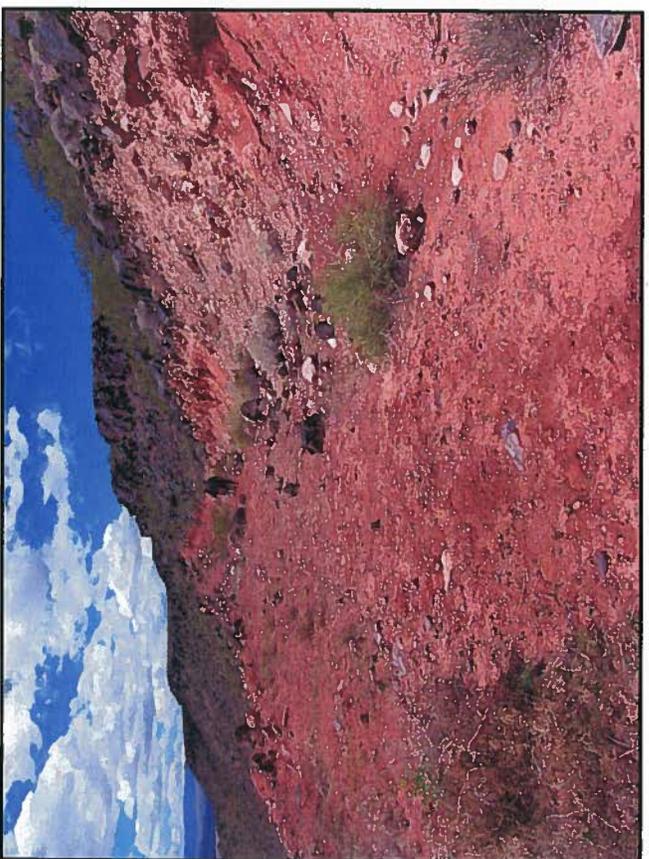
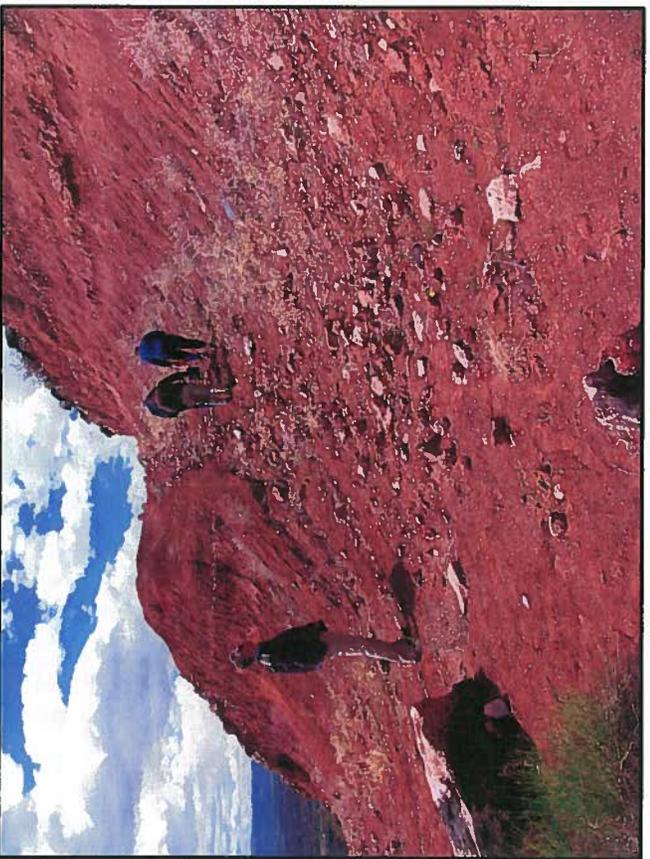
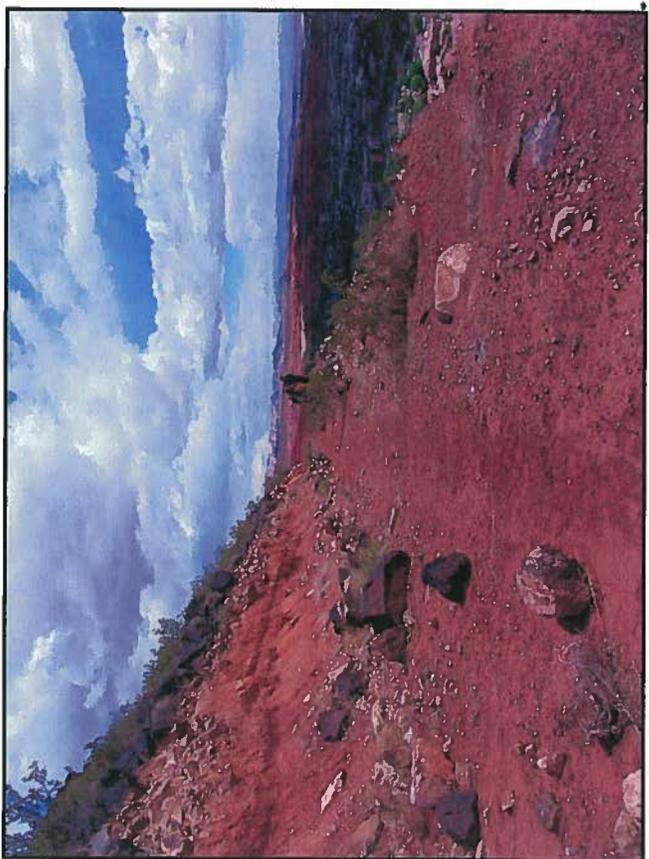
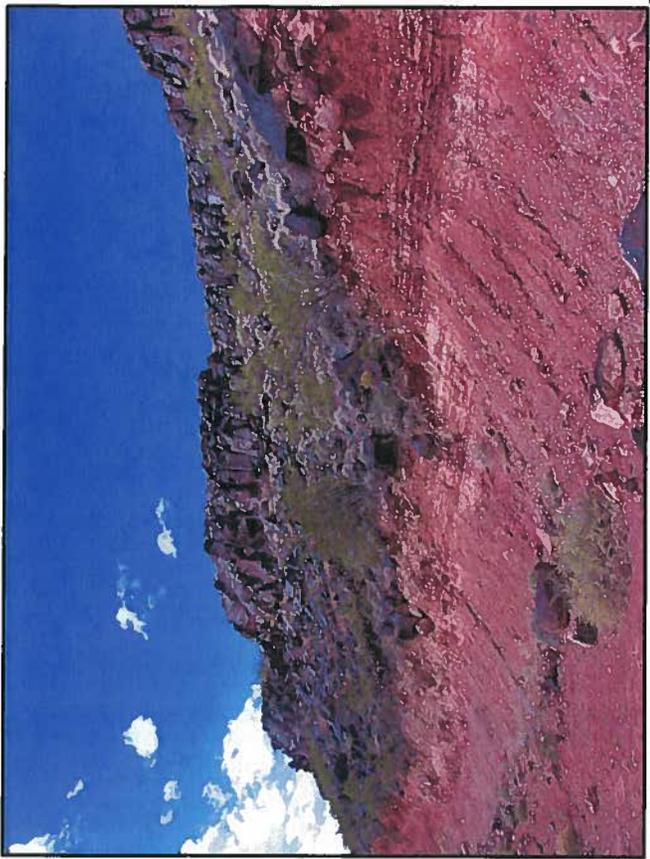


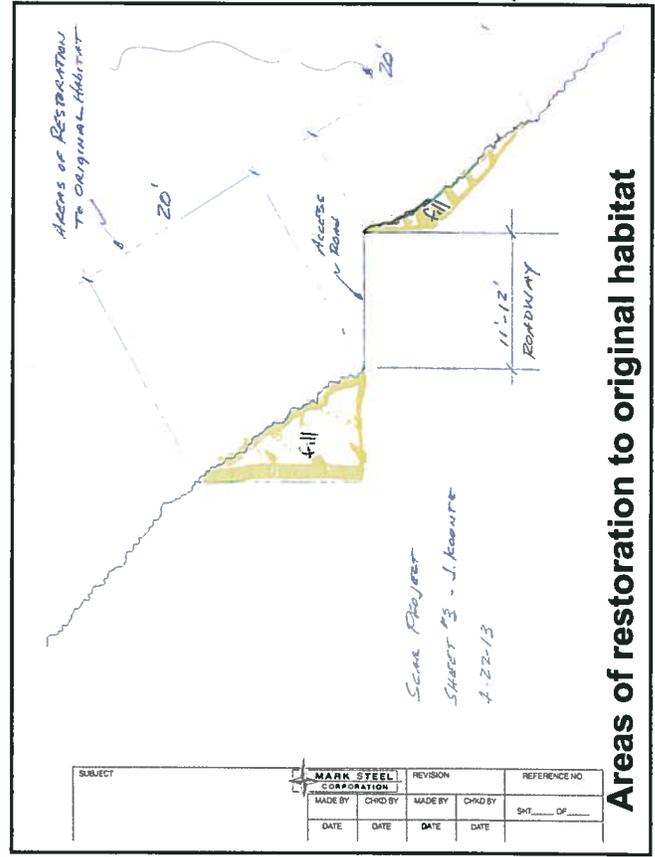
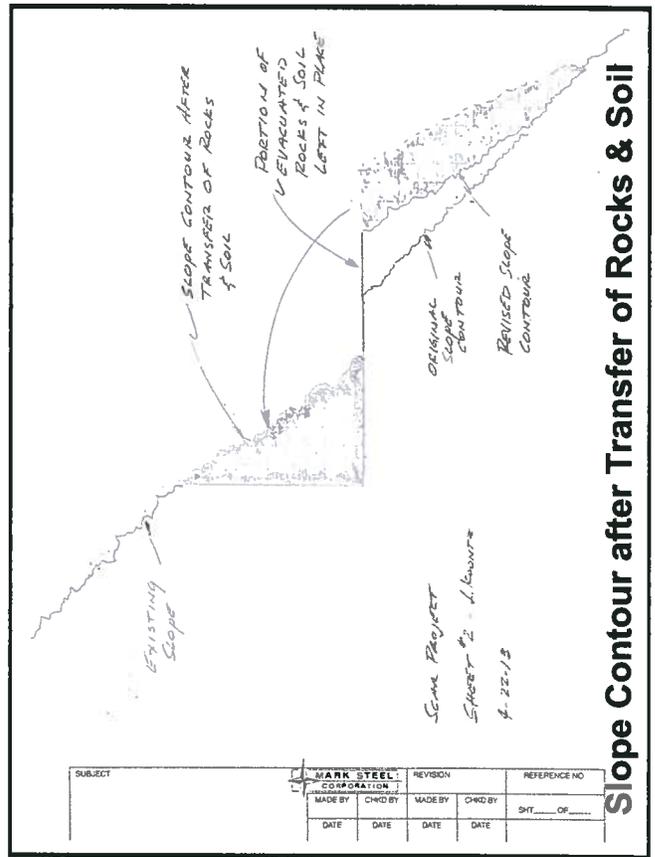
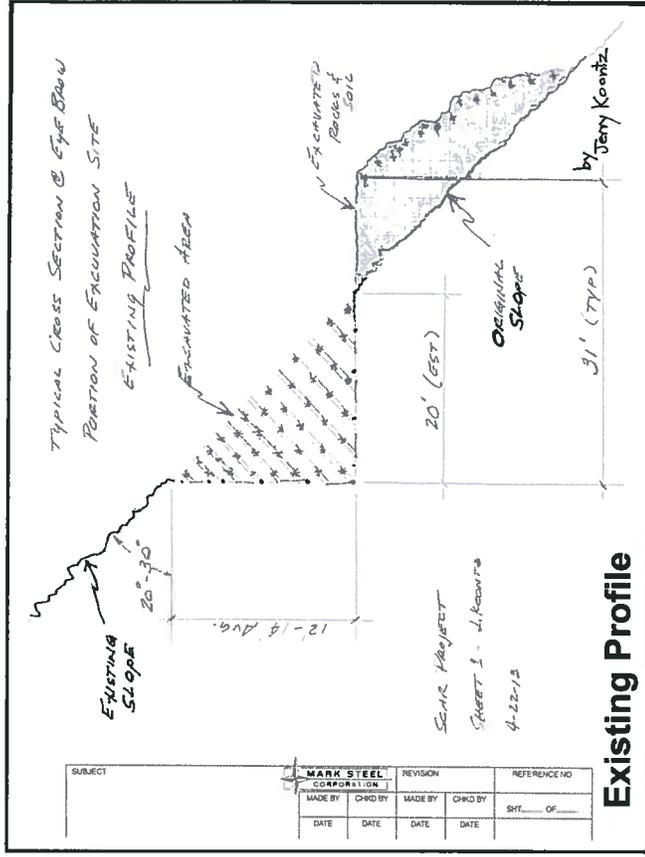
Ariel View



900' Long "eyebrow" cut on City property







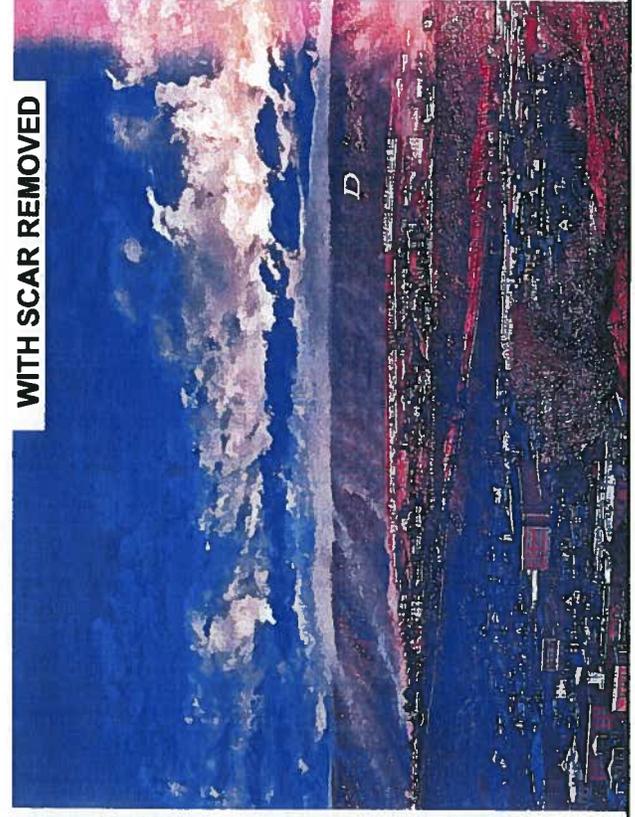
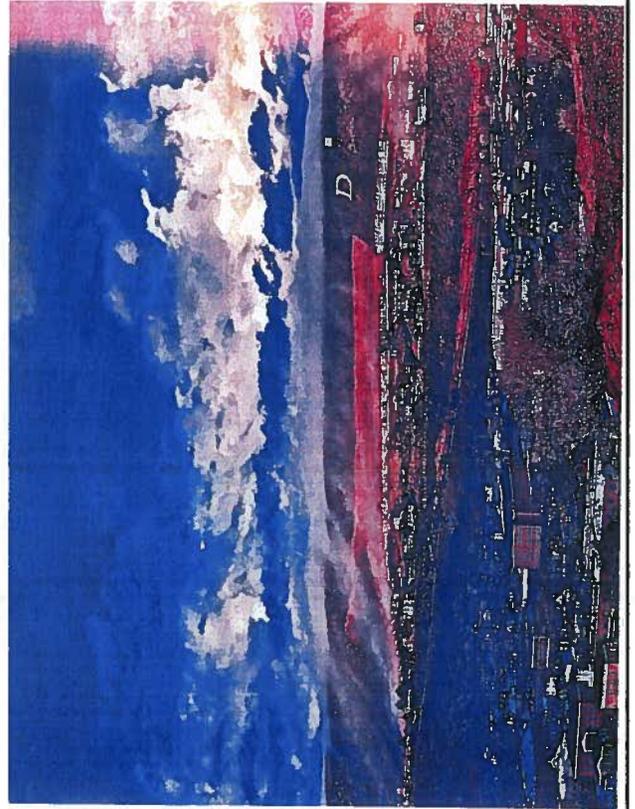
Cost Estimate for 600 ft.

General Conditions	Quantity	Unit Cost	Total
1. Mobilization	1 LS	\$5,000.00	\$5,000.00
2. Erosion Control	1 LS	\$3,000.00	\$3,000.00
3. Aging Spray	45+87 SF	---	---
4. Seeding (Hand)	45+87 SF	---	---
SUB TOTAL: \$			---
Excavation			
5. Slide Protection Berm	1 LS	\$1,500.00	\$1,500.00
6. Clear Access Road	1 LS	\$1,500.00	\$1,500.00
7. Basic Rough Grading	1787 CY	\$7.50	\$13,402.50
W// Sort & Screen Onsite			
Material			
8. Import	1592 CY	\$4.00	\$6,368.00
9. Place Compact & Finish	45487 SF	\$1.00	\$45,487.00
Slope Subgrade			
10. Place On Site Boulders	2274+ SF	\$1.00	\$22,744.00
(Approx. 50% Coverage)			
SUB TOTAL: \$			\$91,001.50

(Cost est. for 600' ± \$150,000 plus re-seeding & rock staining)

GRAND TOTAL: \$99,001.50

Shotcrete or Gunite



DRAFTAgenda Item Number : **6F**

Request For Council Action

Date Submitted 2013-05-22 09:38:02

Applicant PC

Quick Title PC Report from 5/28/13

Subject Consider the report from the Planning Commission meeting held on May 28, 2013.

Discussion The PC agenda for May 28th has a variety of items including 2 final plats, 3 preliminary plats, 2 building design approvals for the Stephen Wade auto dealerships in a PD Commercial zone, a Hillside Development Permit for Kachina Cliffs phase 3 at Entrada, and 2 CUP requests for an oversized detached garage, and for an auto salvage/recycling business in an M-1 zone. The CUP requests are listed separately on the agenda.

Cost \$0.00

City Manager Recommendation A couple of the items from the last planning commission will be heard at the June 20th meeting(Stephen Wade buildings). A longer than normal meeting for the Planning Commission.

Action Taken

Requested by Bob N

File Attachments

Approved by Legal Department?

Approved in Budget? **Amount:**

Additional Comments

**CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH**

PLANNING COMMISSION REPORT: MAY 28, 2013
CITY COUNCIL MEETING: JUNE 6, 2013

1. **PUBLIC HEARING TO BE ADVERTISED FOR JUNE 20, 2013**

Consider a request for a **zone change** from PD-R (Planned Development Residential) to OS (Open Space) and to amend the ‘**Fossil Hills PD Master Plan**’ by deleting 23.69 acres of PD-R zoning and replacing it with OS zoning. The owner is SITLA and the representative is PCI (Progressive Contracting Inc.), Mr. Russell Limb. Case No. 2013-ZC-006 (Staff - Bob N).

2. **FINAL PLATS**

A. Consider approval of a final plat for “**The Cliffs at Snow Canyon Plat M**” a one (1) lot single family subdivision. The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned PD-R (Planned Development Residential) and is located at 3052 North Snow Canyon Parkway (in the Cliffs development between Units 206 and 207). Case No. 2013-FP-016 (Staff –Todd J.).

B. Consider approval of a final plat for “**Tonaquint Terrace Phase 2, 3rd Amendment and Extension**” a sixty-five (65) lot single family subdivision final plat amended and extended. The representative is Mr. Jim Raines, Bush and Gudgeon. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at 2269 South 1260 West (in the Tonaquint Terrace development). Case No. 2013-FPA-015 (Staff –Todd J.).

3. **PRELIMINARY PLATS**

A. Consider a preliminary plat request for “**Zions Bank**” to create two (2) commercial lots. Lot 1 (existing bank site) would be 1.22 acres and Lot 2 (new commercial site) would be 0.73 acres. The owner is Zion’s First National Bank and the representative is Mr. DeLon Askvig. The property is zoned AP (Administrative Professional) and C-2 (Commercial). The property is located at 717 South River Road. Case No. 2013-PP-022. (Staff – Wes J.).

B. Consider approval of a preliminary plat request for “**Stonecliff Phase 12**” to create a two (2) lot residential subdivision on 1.57 acres. The applicant is Traveller / Stone Cliff LC, and the representative is Mr. Reid Pope, Pope Engineering. The property is zoned PD-R (Planned Development Residential). The property is located along the private street Pinnacle Drive at the top of Stone Cliff on the south end. Case No. 2012-PP-026. (Staff – Wes J.).

4. **HILLSIDE PERMIT**

Consider a request for a Hillside Development Permit for a proposed residential subdivision to create thirty-three (33) single family residential lots called "**Kachina Cliffs Phase 3**" on approximately 23 acres. The applicant is Henry Walker Homes and the representative is Mr. Scott Duffin, Horrocks Engineers. The property is zoned PD-R (Planned Development Residential). Hillside Permit Case No. 2013-HS-002. (Staff – Ray S.)

5. **CONDITIONAL USE PERMITS**

A. Consider a request for a Conditional Use Permit to construct a **detached accessory garage** that will exceed the allowable height of fifteen feet (15') unless a conditional use permit is granted for a greater height. The subject property is located at 538 Los Alamitos Drive. The zoning is R-1-10 (Single Family Residential 10,000 square foot minimum lot size). Mr. Charles James is the applicant. Case No. 2013-CUP-008 (Staff – Craig H.). *(Tabled at request of applicant at 5/14/2013 PC meeting)*

B. Consider a request for an amendment to a previously approved conditional use permit which established "**Desert Solace**" an intensive residential treatment facility for adult male clients who suffer from addiction to pornography and other sexual behaviors through the use of a holistic, task-oriented approach. This amendment would add treatment of chemical addiction, gambling, and other behavioral addictions to the program and increase the maximum occupancy from 10 to 16. The applicant is Mr. Mark Jorgensen. The zoning is A-5 (Agricultural 5 acre minimum lot size). The property is located at 4200 N 1239 W / Lot 8 JEL subdivision. Case No. 2013-CUP-006.

6. **OTHER PLANNING COMMISSION ACTIONS (FYI)**

A. The Planning Commission considered and **tabled for a second time** a preliminary plat request for "**The Legends at Cactus Flats**" to create twelve (12) lots on 3.75 acres. The owner/developer is Mr. Glen Bundy and the representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size). The property is located along the west side of 2100 East north of 2450 South. Case No. 2013-PP-018. (Staff – Wes J.). Note that this item was discussed for 50 minutes, but the matter of roadway placement was not resolved. Three roadway placement options were discussed and the applicant prefers not to install a roadway half width for the extension of 2330 South Street on the north property line. The PC determined that further research into the matter of the City's Master Road Plan is required before this request will return.

- B. The Planning Commission considered, but tabled a request for a Conditional Use Permit to permit **automotive dismantling** for an existing recycling business and to permit a **caretakers unit** for security and theft protection. The subject property is located at 985 East 770 North Street in the old industrial park. The zoning is M-1 (Industrial). Mr. Matt Thomas is the applicant. Case No. 2013-CUP-009. (Staff – Ray S.). This item was tabled because there was not a representative present at the PC meeting. This item will be rescheduled to the next PC meeting of June 11th.
- C. The applicant has requested that the consideration of a request for a BDCSP (Building Design Conceptual Site Plan) review of a proposed new car dealership for **‘Steven Wade Nissan’ not be heard until the June 20th City Council meeting**. The site is located on the vacated 1700 South Street off of Hilton Drive. The zoning is PD-COM (Planned Development Commercial). The representatives are Mr. Reid Pope, Pope Engineering and Mr. Bill Western, Architect. Case No. 2013-BDCSP-003. (staff – Ray S.) *Note: On May 16, 2013 the City Council vacated 1700 South Street.*
- D. The applicant has requested that the consideration of a request for a proposed remodel of an existing car dealership for **‘Steven Wade Chevrolet / Cadillac’ not be heard until the June 20th City Council meeting**. The site is located in the vicinity of the vacated 1700 South Street off of Hilton Drive. The zoning is PD-COM (Planned Development Commercial). The representatives are Mr. Reid Pope, Pope Engineering and Mr. Bill Western, Architect. Case No. 2013-BDCSP-005. (staff – Ray S.).

PCR ITEM 2A

Final Plat

PLANNING COMMISSION AGENDA REPORT: 05/28/2013
CITY COUNCIL MEETING: 06/06/2013

FINAL PLAT

The Cliffs of Snow Canyon Plat "M"

Case No. 2013-FP-016

Request: Approval of a 1 Lot Residential Subdivision Final Plat

Representative: Scott Woolsey, Alpha Engineering
43 South 100 East #100
St. George, UT 84770

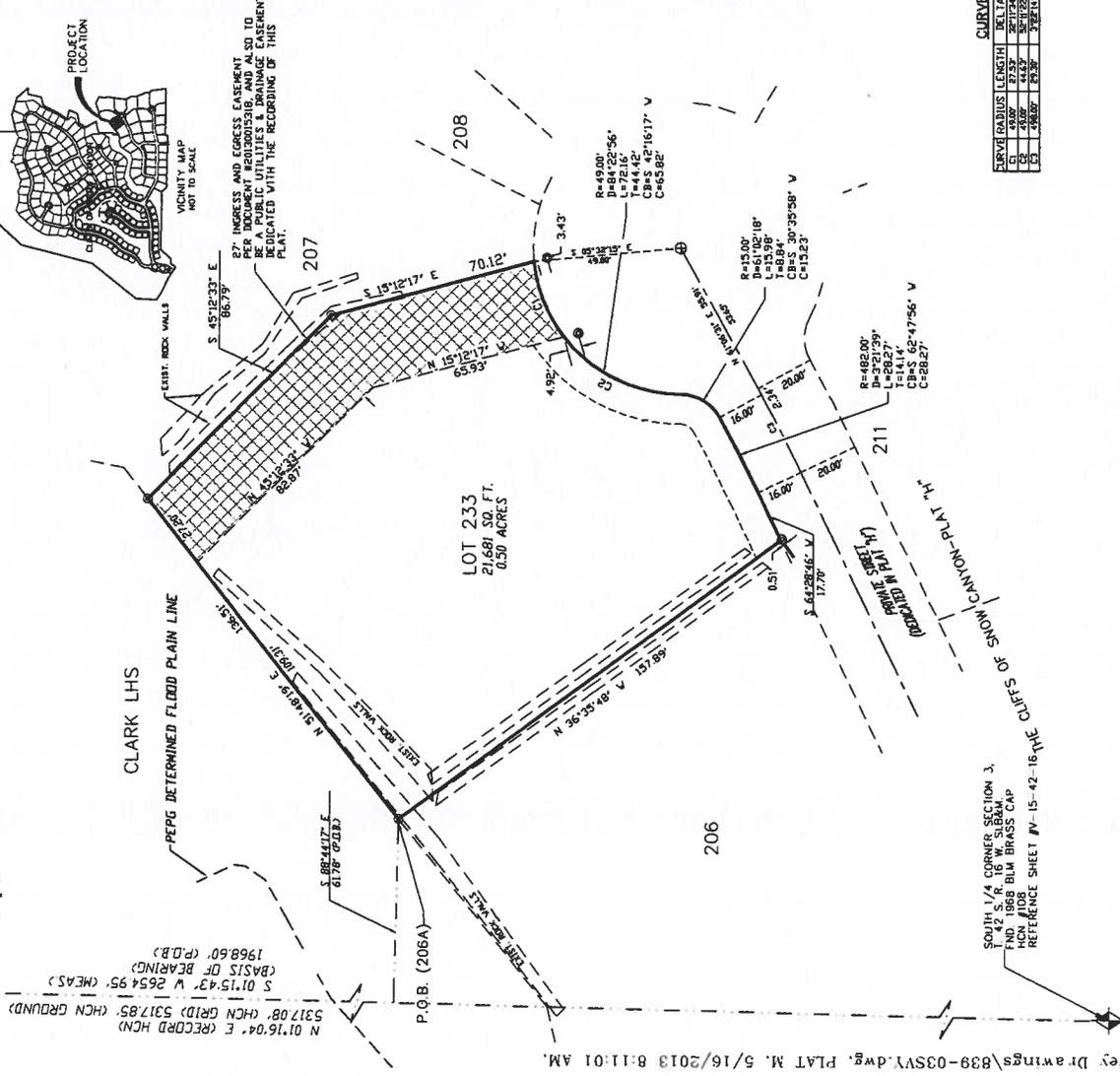
Property: Located at 3052 North Snow Canyon Parkway (In the Cliffs development between Units 206 and 207)

Zone: PD-R

Staff Comments: All aspects of this Final Plat were carefully looked at and reviewed by the Community Development Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the preliminary plat conditions and approvals.

P.C.: The Planning Commission recommends approval.

NORTH 1/4 CORNER SECTION 3,
T. 42 S., R. 16 W., SUBRANGE
#100, 1968 BLM BRASS CAP
HCN #101



GENERAL NOTES & RESTRICTIONS

- THE ONLY PUBLIC SERVICE LINE ARE THE 12\"/>

NOTICE OF HAZARD

THE CLIFFS OF SNOW CANYON PLAT "M" IS A SUBDIVISION OF LAND IN THE CITY OF GEORGIA, COUNTY OF WASHINGTON. THE PLAT IS BEING RECORDED IN THE PUBLIC RECORDS OF THE CLERK OF SUPERIOR COURT, COUNTY OF WASHINGTON, GEORGIA, BOOK 11, PAGE 111. THE PLAT IS SUBJECT TO THE FOLLOWING HAZARD:

BOUNDARY DESCRIPTION

Being a bearing in South 87°01'30\"/>

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of all the above described land, being the owner of the same, has dedicated to the public the following easements:

ACKNOWLEDGMENT

STATE OF GEORGIA
COUNTY OF WASHINGTON

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COUNTY OF WASHINGTON

THE CLIFFS OF SNOW CANYON PLAT "M"

THE CLIFFS OF SNOW CANYON PLAT "M" IS A SUBDIVISION OF LAND IN THE CITY OF GEORGIA, COUNTY OF WASHINGTON. THE PLAT IS BEING RECORDED IN THE PUBLIC RECORDS OF THE CLERK OF SUPERIOR COURT, COUNTY OF WASHINGTON, GEORGIA, BOOK 11, PAGE 111.

ACKNOWLEDGMENT

STATE OF GEORGIA
COUNTY OF WASHINGTON

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COUNTY OF WASHINGTON

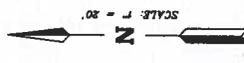
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<p>Approval of the Planning and Zoning Official</p> <p>I, Planning and Zoning Official for the City of St. George, have this day of _____, A.D. 20____, reviewed and approved this plat and recommended the same for acceptance by the City of St. George, UT.</p> <p>_____ Planning and Zoning Official City of St. George</p>	<p>Engineer's Approval</p> <p>The person (Surveyor/Plat) has been reviewed and is approved in accordance with the information on file in this office this day of _____, A.D. 20____.</p> <p>_____ Engineer City of St. George</p>	<p>Approval as to Form</p> <p>Approved as to Form, on this day of _____, A.D. 20____.</p> <p>_____ City Attorney City of St. George</p>	<p>Approval of the Planning Commission</p> <p>On this day of _____, A.D. 20____, the Planning Commission of the City of St. George, having reviewed the above plat, recommended the same for acceptance by the City of St. George, UT.</p> <p>_____ Chairman, Planning Commission City of St. George</p>	<p>Approval and Acceptance by the City of St. George, Utah</p> <p>Washington County Treasurer, on this day of _____, A.D. 20____, has received the amount of _____ and has due and owing on this First Plat _____ have been paid in full.</p> <p>_____ Washington County Treasurer</p>	<p>Recorded Number</p> <p>Washington County Recorder</p>
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CURVE TABLE

CURVE RADIUS (LENGTH)	BEARING	CHORD BEARING	CHORD BEARING
49.00'	27.53°	11.54°	67.97°
49.00'	44.57°	20.12°	55.43°
49.00'	62.53°	27.53°	37.47°



NOTICE

THE PLAT MATCHES THE BASIS OF RECORDS FOR PLATS 839-03SY.dwg, PLAT M, 5/16/2013 8:11:01 AM.

- LEGEND
- FOUND SECTION MONUMENT AS NOTED
 - FOUND EXISTING CLASS 1 STREET MONUMENT
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DATE _____

SCOTT P. WOOLEY, P.L.S. 11919



PCR ITEM 2B

Final Plat Amendment

PLANNING COMMISSION AGENDA REPORT: 05/28/2013
CITY COUNCIL MEETING: 06/06/2013

FINAL PLAT AMENDMENT

Tonaquint Terrace Phase #2, 3rd Amended and Extended
Case No. 2013-FPA-015

Request: Approval of a 65 Lot Residential Subdivision Final Plat Amended and Extended

Representative: Jim Raines, Bush and Gudgell
205 E. Tabernacle St., Suite 4
St. George, UT 84770

Property: Located at 2269 South 1260 West (in the Tonaquint Terrace Development)

Zone: R-1-10

Staff Comments: The purpose of this Final Plat Amendment is to add a 20 Foot wide portion to Lot 130 the runs southerly to 2240 South Street (which also runs along the rear of Lot 131). This 20 Foot wide strip of land will also be a public utility and drainage easement. No other changes have been made.

All aspects of this Final Plat Amendment were carefully looked at and reviewed by the Community Development Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the conditions and approvals.

P.C.: The Planning Commission recommends approval.

SURVEYOR'S CERTIFICATE
 I, the undersigned, being duly qualified and licensed as a Professional Land Surveyor in the State of Utah, do hereby certify that the foregoing plat is a true and correct copy of the original as recorded in the Office of the County Clerk of Salt Lake County, Utah, on this 15th day of August, 2011.

BOUNDARY DESCRIPTION
 The boundary description is as follows: ...

OWNER'S DEDICATION
 I, the undersigned, do hereby dedicate to the public use of the State of Utah, the easement described herein, to be used as a public easement for the purpose of ...

LIMITED LIABILITY ACKNOWLEDGMENT
 I, the undersigned, do hereby acknowledge that the foregoing plat is a true and correct copy of the original as recorded in the Office of the County Clerk of Salt Lake County, Utah, on this 15th day of August, 2011.

INDIVIDUAL ACKNOWLEDGMENT
 I, the undersigned, do hereby acknowledge that the foregoing plat is a true and correct copy of the original as recorded in the Office of the County Clerk of Salt Lake County, Utah, on this 15th day of August, 2011.

**Tonaquint Terrace Phase #2
 Third Amended & Extended**
 SECTION 2, TOWNSHIP 43 NORTH, RANGE 10 WEST
 SECTION 3, TOWNSHIP 43 NORTH, RANGE 10 WEST

CURVE DATA TABLE

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PCR ITEM 3A

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 05/28/2013
CITY COUNCIL MEETING: 06/06/2013

PRELIMINARY PLAT
Zions Bank Subdivision
Case No. 2013-PP-022

Request: A request to consider a preliminary plat to create a two lot commercial subdivision.

Location: The parcel would be located on the southeast corner of the intersection of Foremaster Drive and River Road.

Property: 1.96 acres

Number of Lots: 2

Zoning: A-P (Administrative Professional)
C-2

Adjacent zones: North: PD-C (Planned Development Commercial)
West PD-C
East PD-R (Planned Development Residential)
South PD-R

General Plan: COM (Commercial)

Owner: Zions First National Bank

Representative: DeLon Askvig

Engineer: Southwest Consulting Services

Comments:

1. The developer is proposing a cross access agreement and a shared parking agreement between the two lots.
2. Currently the property line between the two parcels extends through the middle of the existing bank. This plat will locate the property line in a more suitable location.

P.C.: The Planning Commission recommends approval.

PCR ITEM 3B

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 01/08/2013
CITY COUNCIL MEETING: 06/06/2013

PRELIMINARY PLAT

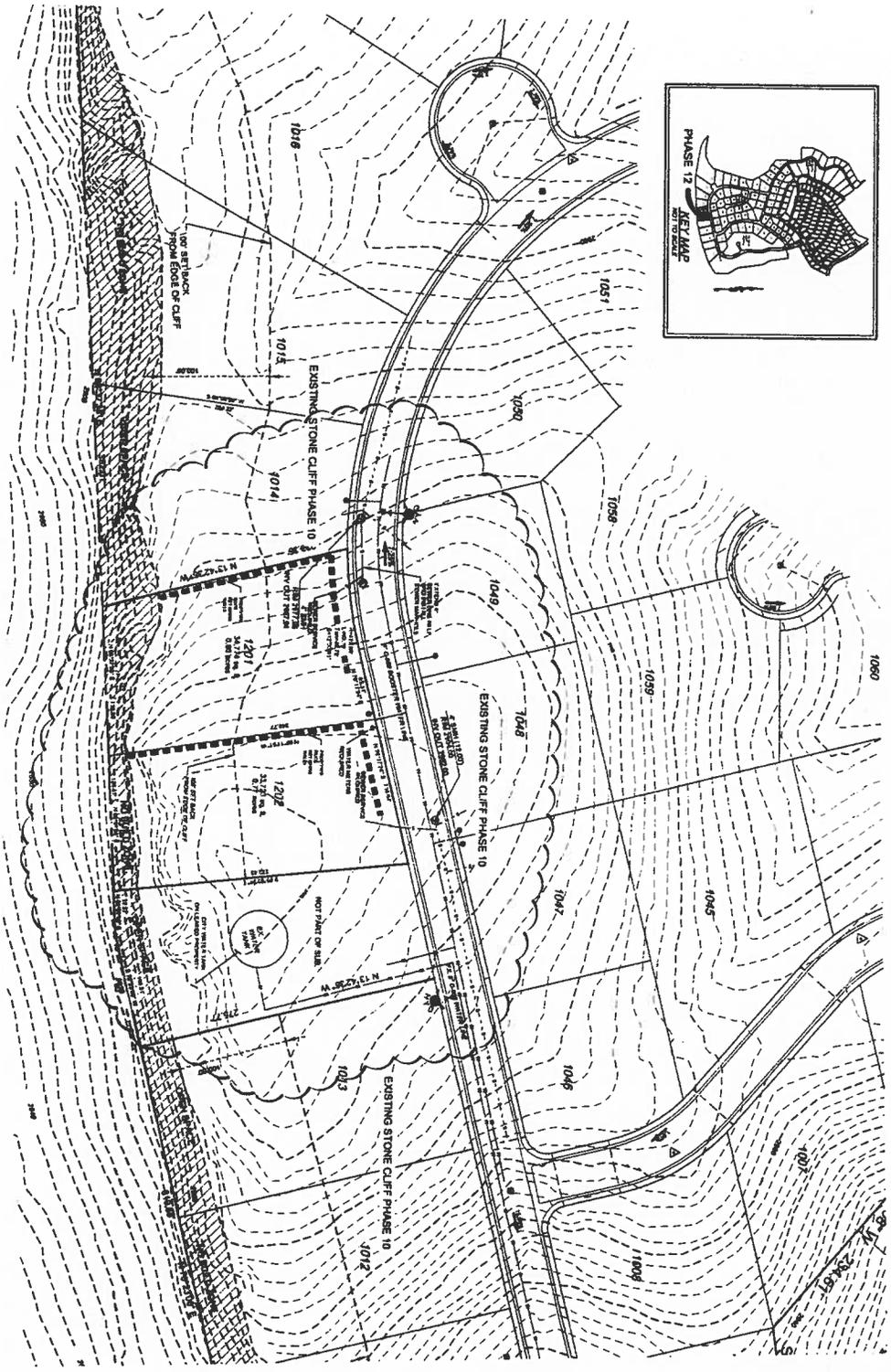
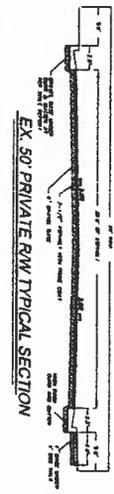
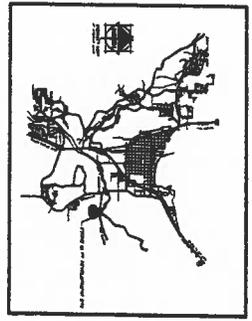
Stone Cliff Phase – Phase 12

Case No. 2012-PP-026

- Request:** A request to approve a 2 residential lot subdivision.
- Location:** The project is located along the private street Pinnacle Drive at the top of Stone Cliff on the south end.
- Property:** The subdivision is located on 1.57 acres
- Number of Lots:** 2
- Density:** 1.27 dwelling units per acre
- Zoning:** PD Residential
- Adjacent zones:** This plat is surrounded by the following zones:
North – PD-R, PD Residential,
South – R-1-10,
East – PD-R,
West – PD-R
- General Plan:** Low Density Residential
- Applicant:** Traveller/Stone Cliff, L.C.
P.O. Box 592
St. George, Utah 84771
- Representative:** Mr. Ried Pope
- Engineer:** Ried Pope, LR Pope Engineering
- Comments:**
1. All roadway improvements have been installed along the frontage of these two lots, except for sidewalk. The developer will be required to extend the existing sewer main in Pinnacle Drive and stub water and sewer laterals to each lot.

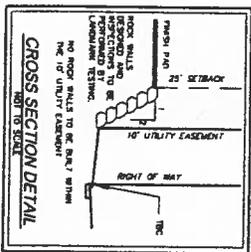
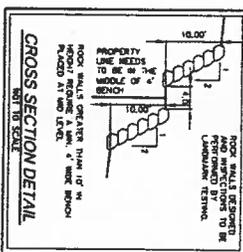
2. The developer is proposing rock retaining walls along the front or north and west sides of each lot.
3. There is an existing 100-foot setback line from the ridge for both of these lots. Each dwelling unit on these lots shall be setback at least a minimum of 100 feet from the ridge line.

P.C.: The Planning Commission recommends approval.



LEGEND

- FT 2783.01
- 2618- FINISH FLOOR
- 2624- EXISTING CONTOUR
- 2625- PROPOSED CONTOUR
- RETAINING ROCK WALL
- GRADE 3% OPE 14% SLOPE AS NOTED
- DRAINAGE FLOW



SCALE 1" = 30'
SHEET 1 OF 1

DRAWN BY: LRP
DATE: 1/20/12

**STONE CLIFF PHASE 12
2 LOT SUBDIVISION
PRELIMINARY PLAT**

L. R. POPE ENGINEERING INC.
1000 South 100th Street, Suite 100
Tulsa, Oklahoma 74116
Phone: 918-438-0000
Fax: 918-438-0001
www.lrpoe.com



No.	DATE	BY	APP'D	REVISION DESCRIPTION

PCR ITEM 4

HILLSIDE REVIEW BOARD AGENDA REPORT:	03/20/2013 (Tabled)
HILLSIDE REVIEW BOARD AGENDA REPORT:	04/17/2013 (Tabled for Rock Fall Hazard Rpt)
HILLSIDE REVIEW BOARD AGENDA REPORT:	05/15/2013 (No quorum)
HILLSIDE REVIEW BOARD AGENDA REPORT:	05/24/2013 (Special meeting at City)
PLANNING COMMISSION AGENDA REPORT:	05/28/2013
CITY COUNCIL MEETING:	06/06/2013

HILLSIDE DEVELOPMENT PERMIT: Case No. 2013-HS-002
Kachina Cliffs Phase 3

Background:

March 20th HSRB

This Item was heard and a motion was made to approve the drainage design and the removal of insignificant non-contiguous hills and outcroppings (see contour map). However, the board tabled any further action or discussion on the subdivision layout and design for lack of a rock fall hazard report. Thus, the meeting was tabled to allow the applicant time to prepare a rock fall hazard report and return to a future hillside meeting.

April 17th HSRB

The applicant returned with a Rock Fall Hazard Report, but the HSRB asked to have it revised to include specific proposed mitigations for rock fall.

May 9th Rock Fall Report

On May 9th the Rock Fall Hazard report was revised to include specific mitigations.

May 15th HSRB

The hillside board was invited to attend a meeting at the City Offices to review the revised Rock Fall Hazard Mitigation Report – however a quorum could not be gathered and the meeting did not occur.

May 24th HSRB

A special hillside meeting was held at the City on Friday May 24th to discuss the revised Rock Fall Hazard Mitigation Report. As a result the board made a recommendation for approval with comments and conditions (see last page of this report).

May 28th PC

The PC heard the hillside permit.

Request:

This is a request for a Hillside Development Permit for a proposed residential subdivision.

Project Overview:

A proposed single family residential development to create thirty-three (33) single family residential lots to be called “Kachina Cliffs Phase 3.

- Location:** This project is located west of the Desert Reserve. Existing residential development is located to the north (Kachina Cliffs Phase 2) and to the west (Kachina Springs East Phase 3) and the City fishing pond/park to the south.
- Submittal:** Horrocks Engineering has submitted a narrative, aerial map, slope analysis map, grading plan, cross sections, drainage report, and geotechnical report.
- Applicant:** Henry Walker Homes
- Representative:** Mr. Scott Duffin
Horrocks Engineers
285 W Tabernacle Drive, Suite 300
St George, Utah 84770
- Area:** 23 acres.
- Current Zone:** PD-R (Planned Development Residential). Located within the Entrada Planned Development.
- Narrative:** See attached narrative.
- Comments:** Section 10-13A-6:A requires that all major development (i.e, cut greater than 4', etc.) on slopes above 20% requires a 'hillside development permit' granted by the City Council upon recommendation from the Hillside Review Board and the Planning Commission.
- Previously this subdivision went through a hillside review in 2006 and was approved.
- The "No Disturb" area appears to be the same (or very similar) to the "No Disturb" areas on the 2006 plan. The main issue for the hillside board is to make a finding that the small ravines are not part of the contiguous hillside and can therefore be omitted from the site disturbance limitations.
- Drainage has been addressed to the satisfaction of the hillside board.
- The applicant returned with a revised rock fall hazard report with mitigations which the hillside board supports.

HSRB: It is recommend to approve the drainage design and the removal of insignificant non-contiguous hills and outcroppings (see contour map) as recommended by the Hillside Board on March 20th and to approve the rock fall mitigation subject to;

The Hillside Review Board met on Friday May 24th and reviewed the revised ‘Rock Fall Hazard Mitigation’ report dated May 9, 2013. After discussion, the following motion was made:

The hillside board recommends approval of the rock fall mitigation plan as presented and to condition the hillside permit to require legal access to maintain the drainage system. That staff will ensure this is addressed on the Final Plat and in the construction plans and that the side slope shall not exceed 3:1 (as depicted). All development shall stay out of the “Rock Fall Run-out Boundary” zone (as depicted in Figure 1). The developer shall construct a trench/ditch behind lots 30 and 31 (see detail in mitigation report and cross sections) and add additional boulders to mitigate rock fall potential.

P.C.: The Planning Commission recommends approval with the Hillside Review Board’s comments and conditions (above).

Hillside Application Narrative

Kachina Cliffs Phase 3

March 5, 2013

The purpose of this narrative is to provide background and context information for this hillside application, while providing a brief summary of the general approach and intent for this proposed development.

Background:

An initial Hillside application prepared by Viewpoint Engineering Associates was submitted in 2006 for the subject property. The initial plan consisted of 26 homes on approximately 1/2 acre lots or larger. The grading plan for the 2006 submission only showed proposed roadway grading. Grading and drainage on each individual lot would be worked out on a case-by-case basis as the lots were developed. A reasonable no-disturb area was proposed along the northern and eastern edges of the boundary. It appears from review of documents obtained from the City that the initial hillside application was approved by the City Council on August 17, 2006. The applicant subsequently continued with a preliminary plat application with intentions to move forward with the development. However, due to the economic downturn the project was stopped. For reference, see figure 1 of the original Hillside submission plan which shows the original no-disturb limits:

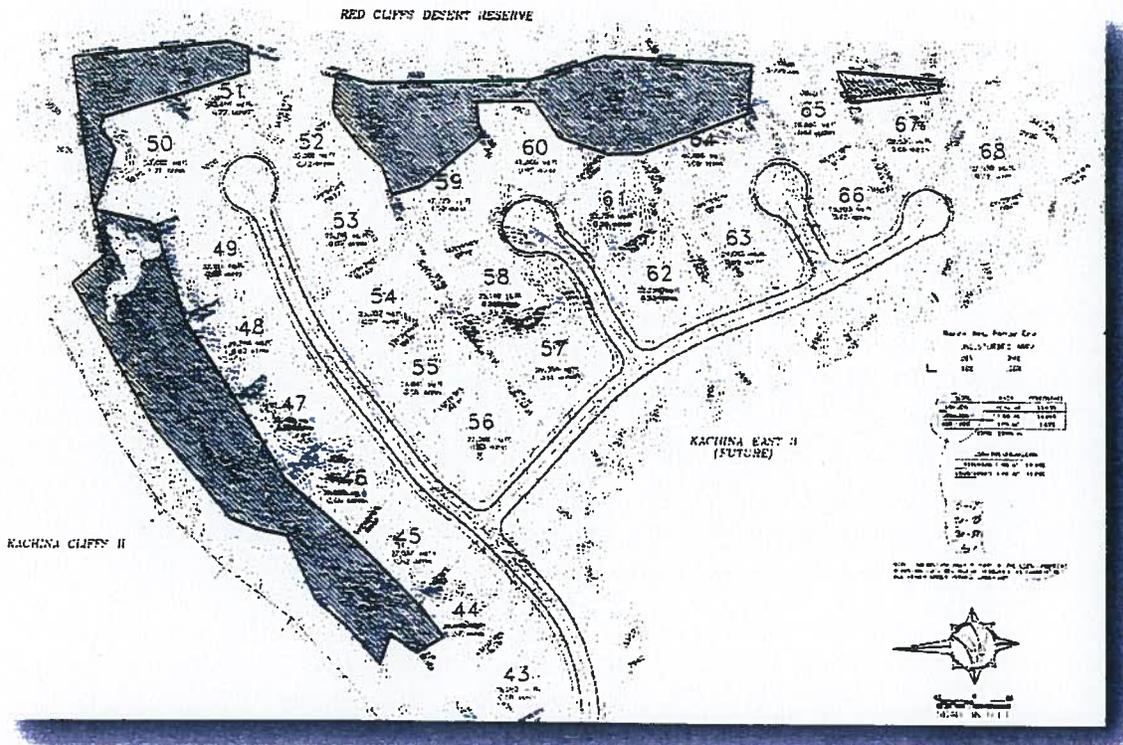


Figure 1: Original Hillside Application Plan and "No-Disturb" Area

RECEIVED
MAR 05 2013
BY: PS

Current Application:

Henry Walker Homes has entered in an agreement to purchase this property from Kachina Development Company, Inc. Henry Walker Homes is proposing 33 single family homes on this parcel. The minimum lot size of the new plan is roughly 1/3rd of an acre or larger, with the actual building area encompassing approximately 4,800 s.f. This is consistent with the original unit count shown on the approved Entrada PD. Two initial planning staff meetings were held to review the preliminary concepts by Henry Walker Homes and initial feedback was received. At the initial planning staff meeting, it was requested that Henry Walker Homes re-analyze the slopes based on the updated Hillside ordinance requirements. An updated slope map based on the original Viewpoint Engineering topography was presented to the Planning Staff at the 2nd meeting. The Planning Staff requested that the updated land plan be taken back to the Hillside Review Board for an updated look at the new proposed land plan and grading activities.

The original topography from the 2006 Hillside application was used as the basis for the slope analysis. Since the original application the Hillside regulations have changed such that the slope categories are slightly different. The slope map contained with this application represents the best effort to capture these new slope categories as best as the ordinance can be interpreted. As acknowledged at one of the Planning Staff Review meetings, there is a reasonable case to be made that much of the area that is being shown as included in a specific slope category per the current application, may in fact be excluded as recognized by Hillside Ordinance section 10-13A-5: *Slope and Slope Areas Determined*, which states that:

Small washes or rock outcrops which have slopes distinctly different from surrounding property and not part of the contiguous topography may be excluded from slope determination if, in the opinion of the Hillside Review Board, the exclusion of such small areas from slope determination will not be contrary to the overall purpose of this article.

Based on the above, it is believed that the particular slope bands that are being shown on the Hillside plans as partially disturbed may in fact be not considered as part of the hillside restricted area. The site visit by the Hillside Review Board will be integral to making this determination.

The updated land plan follows the original plan fairly closely in terms of street layout, location and grading. Since the lots are somewhat smaller than the lots on the 2006 plan, and in conjunction with the proposed building size, it was determined to pad out the lots as opposed to grade each lot one at a time. This will enable Henry Walker to control drainage up front and will ensure a uniform approach to grading. The approach to each lot is to provide a minimum building area (4,800 s.f.) plus approximately 30' in the rear and 20' on one side of the dwelling to allow some useable area for the future home owners, while generally allowing a portion of each lot to be preserved. This is what the current grading plan shows. However, per the Entrada development guidelines, each home in this phase of the development must be a custom home. This opens up the opportunities to further refine the proposed grading to integrate more closely with the existing terrain with optional enhancements such as:

- Utilizing rear or side-oriented walk-out basements to minimize the use of rock retaining walls.
- Adjustments to the size and dimension of each building pad to fit the circumstances of each lot.
- Integrate landscaping and drainage elements to retain the natural look and feel of the property.

The Entrada Development Committee will need to sign off on the grading and drainage for the community.

A detailed preliminary drainage study accompanies this application. This study acknowledges the potential for offsite flows, and sets forth an initial plan to provide for the safe conveyance of these waters through the site. Opportunities exist to integrate the offsite flows into the lots through which the drainage passes in an aesthetically pleasing and natural way.

The grading and drainage plan for this application shows two pipes discharging into the existing drainage swale to the north of the development. The purpose of these pipes is to try to funnel drainage water to natural swales as quickly as possible as opposed to piping them from the top of the project to the detention basin. The proposed pipe locations help to minimize downstream flooding risk by removing drainage from the project closer to the upstream source of drainage. The swale to which these pipes discharge flows directly to the detention basin where peak attenuation of the flows will occur. It should be noted that the eastern most discharge pipe is located in the "No Disturbance" area. The intent is to install the drainage outfall pipe and then restore the grade and vegetation to the existing conditions if the Hillside Review Board will allow this to occur.

The 2006 Hillside application established a no-disturb zone. This updated application has established a new no-disturb zone to accommodate the land plan. Where practical, the original no-disturb zone has loosely been followed, and an attempt has been made to keep the no-disturb areas roughly equal. So whereas some of the homes on the northern side of the development encroach further into this no-disturb zone, a deliberate effort has been made to compensate for this by extending the no-disturb zone substantially to the west at the middle and southern portions of the project.

Other Miscellaneous Application Check List Notes:

- Lot size / density is per the approved Entrada Planned Development
- It is anticipated that the project earthwork will be balanced which will require no export of material. Native rock encountered during excavation will be used in the proposed drainage swales and rock walls as deemed suitable by the Geotechnical Engineer.
- Earthmoving activities will commence as soon as construction drawings are approved. The project will consist of three phases. The location and size of each phase will be presented on the preliminary plat. Timing for each phase is dependent on the market conditions.
- A landscape & vegetation plan may be developed during the construction plans which would be subject to approval by the Entrada Development Committee.

- The street slopes may change slightly as the applicant value engineers the site moving forward. In no case will the street slopes exceed those allowed by the Hillside ordinance. These value engineered enhancements will be reflected in the construction drawings.

The applicant and applicant's engineer look forward to a site visit with the Board to discuss the above and/or any other concerns that may need to be addressed. Let the applicant know if any site surveying is required to delineate certain site plan features prior to the Hillside Review Board site meeting.

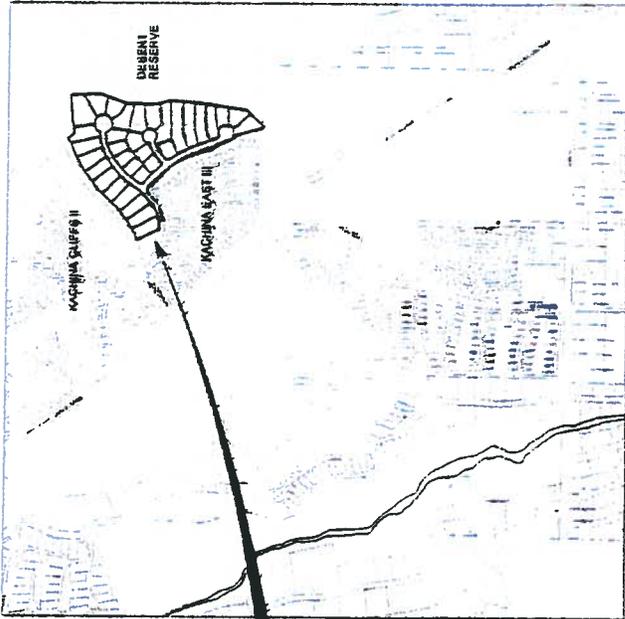
KACHINA CLIFFS - PHASE 3

HILLSIDE PLANS

LOCATED IN ST. GEORGE, UT.

SHEET NO. 1

INDEX TO SHEETS	
SHEET #	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES
3	PLANS AND PROFILES - ROAD A
4	PLANS AND PROFILES - ROAD B
5	PLANS AND PROFILES - ROAD C
6	PLANS AND PROFILES - ROAD D
7	PLANS AND PROFILES - ROAD E
8	PLANS AND PROFILES - ROAD F
9	PLANS AND PROFILES - ROAD G
10	PLANS AND PROFILES - ROAD H
11	PLANS AND PROFILES - ROAD I
12	PLANS AND PROFILES - ROAD J
13	PLANS AND PROFILES - ROAD K
14	PLANS AND PROFILES - ROAD L
15	PLANS AND PROFILES - ROAD M
16	PLANS AND PROFILES - ROAD N
17	PLANS AND PROFILES - ROAD O
18	PLANS AND PROFILES - ROAD P
19	PLANS AND PROFILES - ROAD Q
20	PLANS AND PROFILES - ROAD R
21	PLANS AND PROFILES - ROAD S
22	PLANS AND PROFILES - ROAD T
23	PLANS AND PROFILES - ROAD U
24	PLANS AND PROFILES - ROAD V
25	PLANS AND PROFILES - ROAD W
26	PLANS AND PROFILES - ROAD X
27	PLANS AND PROFILES - ROAD Y
28	PLANS AND PROFILES - ROAD Z



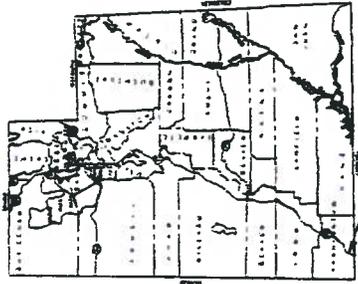
VICINITY MAP
SCALE 1" = 800'

APPLICANT
ST. GEORGE DEVELOPMENT SOUTH LLC
1175 S. COLONY BLVD.
ST. GEORGE UT 84770

PROPERTY OWNER
KACHINA DEVELOPMENT COMPANY, INC.
20 S. CENTRAL BLVD. SUITE 200
ST. GEORGE UT 84770

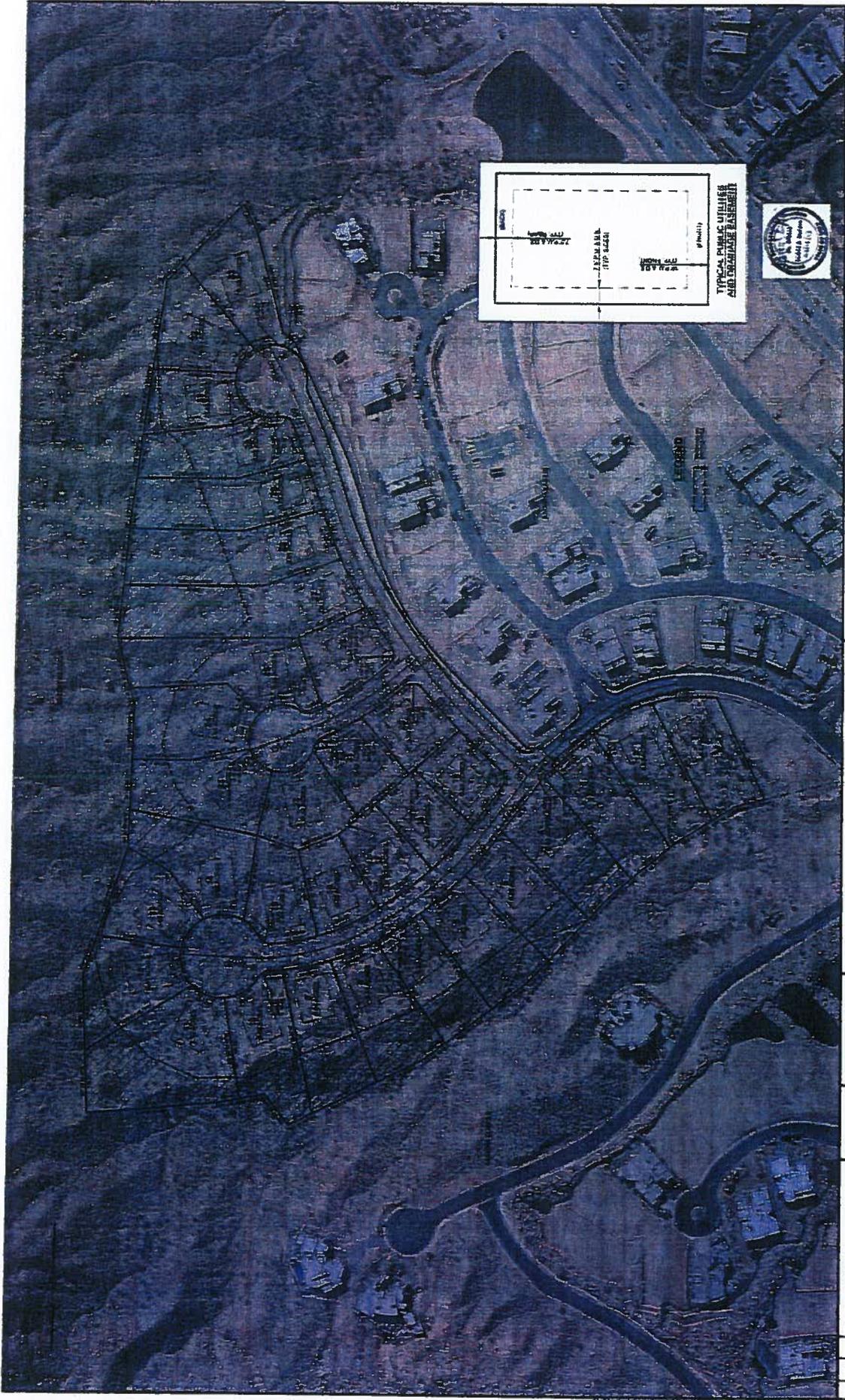


HORROCKS
ENGINEERS

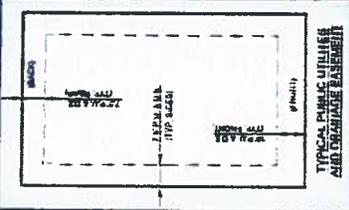


PROJECT LOCATION

PROJECT LOCATION



SCALE 1" = 40' MEASURE IN FEET DRAWING IS NOT TO SCALE		WARNING THIS DRAWING IS FOR INFORMATION ONLY IT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER		HORROCKS ENGINEERS AN SOUTHWESTERN STATES DATE 01 AT OROVILLE UT 04/10 (04/10/10)		Kachina Cliffs Phase 3 SITE PLAN		PROJECT NO. 05-000013 DATE 04/10/10 SHEET 2 OF 10 DRAWING BY: [Name] CHECKED BY: [Name]	
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Slope Table

Slope (%)	Color
15%	Light Blue
18%	Light Blue
20%	Light Blue
22%	Light Blue
25%	Light Blue
28%	Light Blue
30%	Light Blue
32%	Light Blue
35%	Light Blue
38%	Light Blue
40%	Light Blue
42%	Light Blue
45%	Light Blue
48%	Light Blue
50%	Light Blue
52%	Light Blue
55%	Light Blue
58%	Light Blue
60%	Light Blue
62%	Light Blue
65%	Light Blue
68%	Light Blue
70%	Light Blue
72%	Light Blue
75%	Light Blue
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82%	Light Blue
85%	Light Blue
88%	Light Blue
90%	Light Blue
92%	Light Blue

Drainage Contour

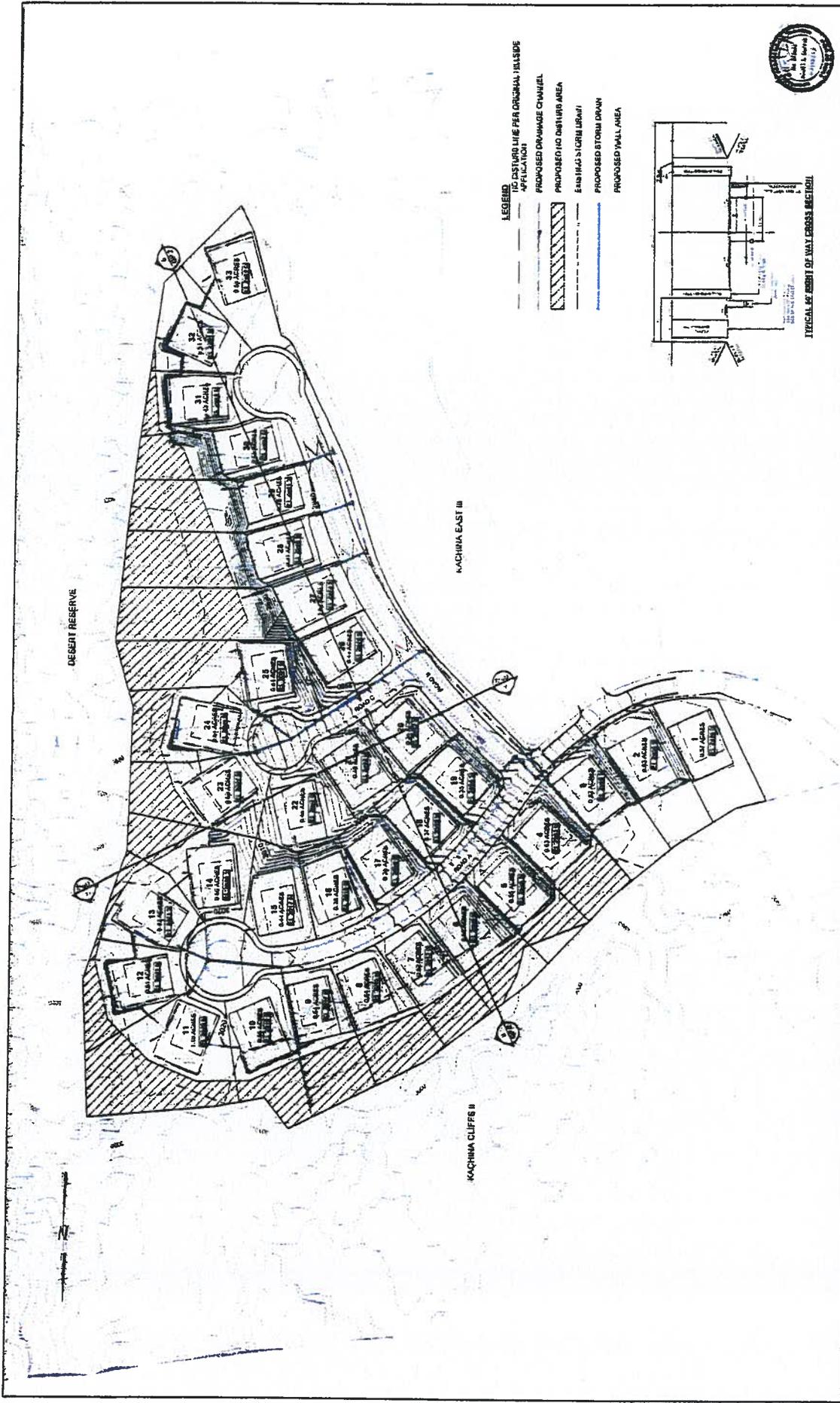
Contour Interval	Color
10'	Light Blue
20'	Light Blue
30'	Light Blue
40'	Light Blue
50'	Light Blue
60'	Light Blue
70'	Light Blue
80'	Light Blue
90'	Light Blue
100'	Light Blue

NOTES:

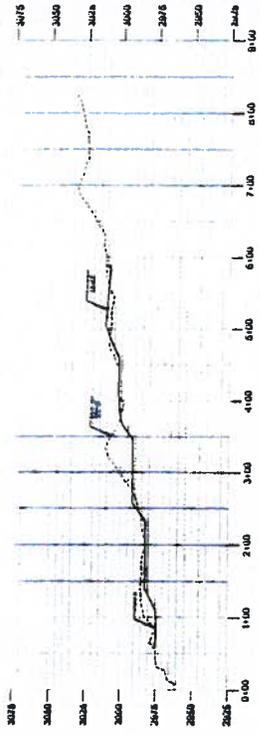
LEGEND:



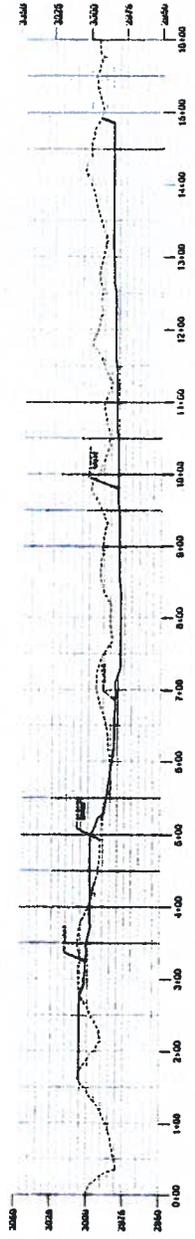
<p>WARNING</p> <p>IF THIS PLAN DOES NOT MEASURE 3" THEN DRAWING IS NOT TO SCALE</p>		<p>SCALE</p> <p>1" = 30'</p>		<p>REVISIONS</p>	
<p>HORROCKS ENGINEERS</p> <p>608 SOUTH WALTON AVENUE SUITE 101 ST. GEORGE UT 84770 (435) 688-7800</p>		<p>Kachina Cliffs Phase 3</p> <p>SLOPE MAP</p>		<p>DATE: 03/05/2013 BY: [Signature]</p> <p>DATE: 03/05/2013 BY: [Signature]</p> <p>DATE: 03/05/2013 BY: [Signature]</p>	
<p>PROJECT: KACHINA CLIFFS PHASE 3</p>		<p>CLIENT: [Client Name]</p>		<p>PROJECT NO.: 2012-001</p>	



HORROCKS ENGINEERS 645 SOUTH BLUFF RIMMED SUITE 101 675 GARDEN UT 84103 (435) 586-7868		Kachina Cliffs Phase 3 GRADING PLAN		SHEET NO. 04-17-131 DATE 03/06/13 DRAWN BY 03/06/13 CHECKED BY 03/06/13 PROJECT NO. 04-17-131
WARNING THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS APPROVED BY THE ENGINEER OF RECORD. DRAWING IS NOT TO SCALE		SCALE 1" = 40' HORIZONTAL NONE VERTICAL	REVISIONS NO. DATE BY DESCRIPTION	



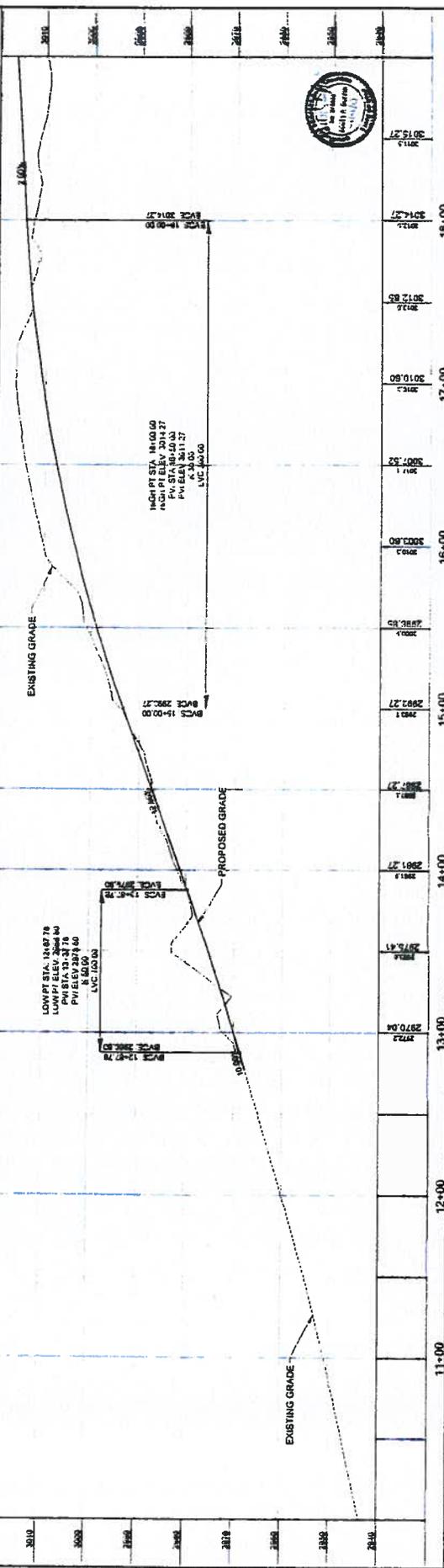
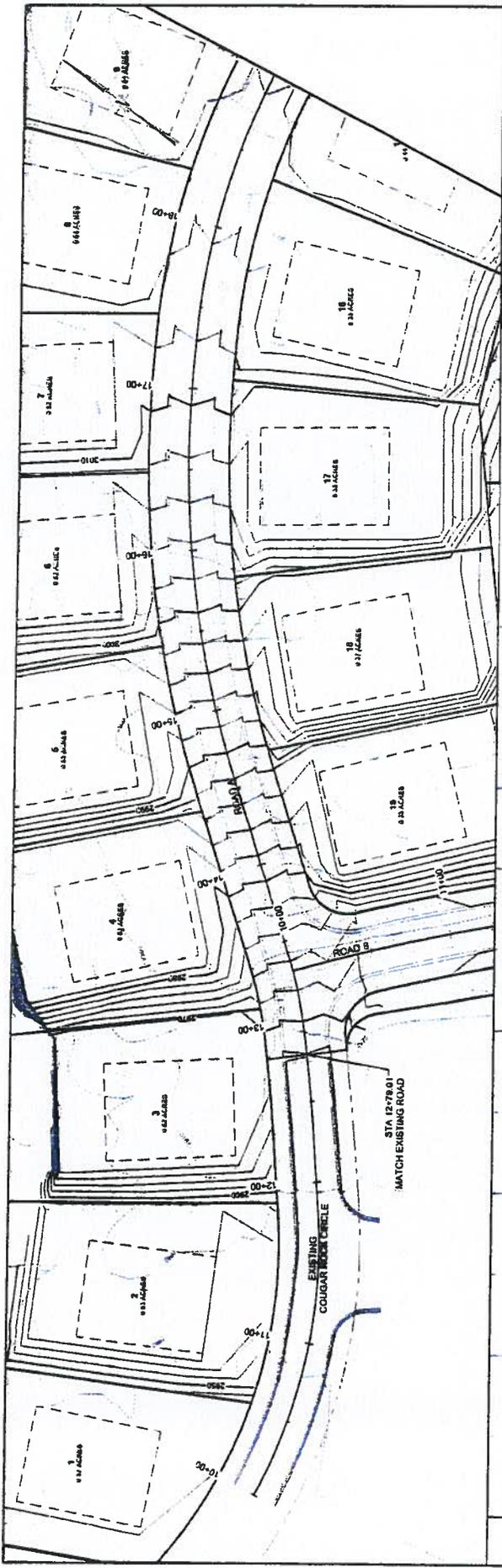
CROSS SECTION A-A
SCALE: 1" = 20' HORIZONTAL
1" = 10' VERTICAL



CROSS SECTION B-B
SCALE: 1" = 20' HORIZONTAL
1" = 10' VERTICAL

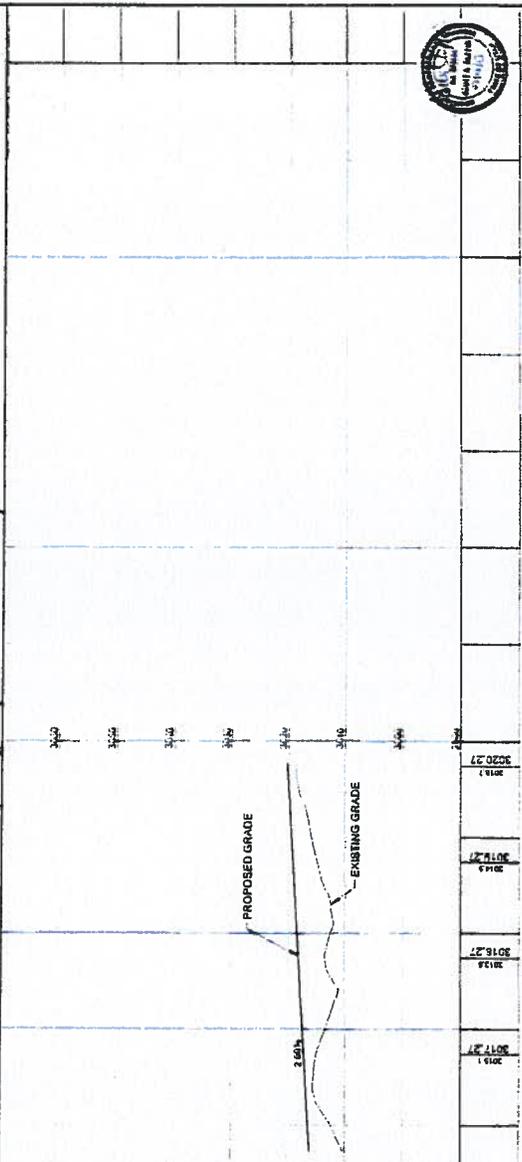
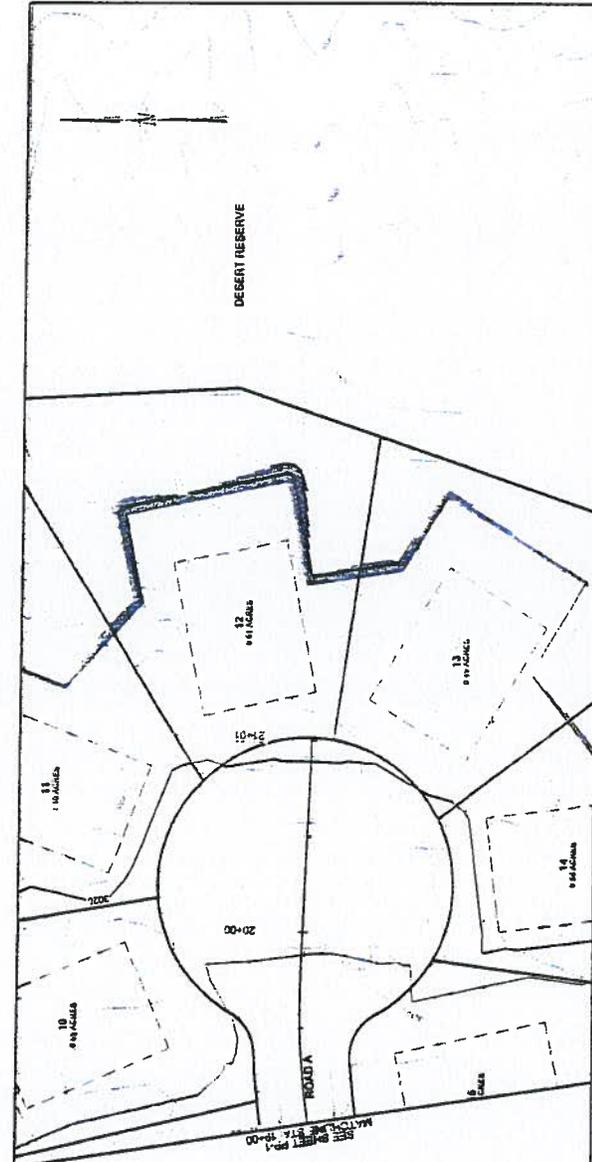


SCALE HORIZONTAL: 1" = 20' VERTICAL: 1" = 10'		WARNING 0 IF THIS BAR COES IN/7 DRAWING IS NOT TO SCALE		HORROCKS ENGINEERS 645 SOUTH MILLS SHELLEY BOULEVARD ST. GEORGE, UT 84770 (435) 584-7888		Kachina Cliffs Phase 3 CROSS SECTIONS		DATE: 08/08/13 DRAWN BY: [Name] CHECKED BY: [Name]	PROJECT NO: 65-477-1001 SHEET NO: 5 OF 10 DRAWING NO: GP-2
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SCALE		WARNING		HORROCKS ENGINEERS		KACHINA CLIFFS PHASE 3 PROJECT		DATE		DRAWN BY		CHECKED BY		DATE	
1" = 20'	1" = 10'	0	1	10	20	30	40	50	60	70	80	90	100	110	120
IF THE BAR DOES NOT MEASURE TO THEIR DIMENSIONS THEY TO SCALE		AS SOUTH BLUFF STREET SUITE 101 UT 84710 (430) 860/868		PLAN & PROFILE - ROAD A		18.00		17.00		16.00		15.00		14.00	
REVISIONS		SUBMITTAL		PP-1		3013.27		3012.83		3012.52		3012.52		3012.52	
REVISIONS		SUBMITTAL		PP-1		3013.27		3012.83		3012.52		3012.52		3012.52	





HORROCKS ENGINEERS 444 SOUTH BLUFF STREET SUITE 200 PHOENIX, AZ 85004		KACHINA CLIFFS PHASE 3 PROJECT PLAN & PROFILE - ROAD A	
WARNING 0 1/2 IF THIS BAR DOES NOT MATCH THE DRAWING DRAWING IS NOT TO SCALE	SCALE 1" = 30' 1" = 10'	SHEET NO. 101	PROJECT NO. 05-07-1381
REVISIONS 1. DATE: 01/01/10 2. DESCRIPTION:	DATE: 01/01/10 BY: [Signature] CHECKED: [Signature]	DATE: 01/01/10 BY: [Signature] CHECKED: [Signature]	DATE: 01/01/10 BY: [Signature] CHECKED: [Signature]

ROCK FALL MITIGATION

AGEC

Applied GeoTech

May 9, 2013

Henry Walker Homes
1173 South 250 West, Suite 503D
St. George, Utah 84770

Attention: Tyler Myers

Subject: Rockfall Hazard Mitigation ←
Kachina Cliffs, Phase 3
St. George, Utah
Project No. 2130068

- References:
1. "Hillside Review, Geologic Hazard Assessment and Geotechnical Investigation, Kachina Cliffs, Phase 3", prepared by Applied Geotechnical Engineering Consultants, Inc., project No. 2130068, dated March 6, 2013.
 2. "Rockfall Hazard Assessment, Kachina Cliffs, Phase 3", prepared by Applied Geotechnical Engineering Consultants, Inc., project No. 2130068, dated April 15, 2013.

Gentlemen:

Applied Geotechnical Engineering Consultants, Inc. (AGEC) was requested to evaluate rockfall hazard mitigation for Kachina Cliffs, Phase 3 located in St. George, Utah.

PROPOSED CONSTRUCTION/ANTICIPATED CONDITIONS

We understand the property is planned to be subdivided into a 33 lot residential subdivision. Based on a review of the above referenced report, the subsurface conditions likely consist of surficial site grading fill overlying relatively shallow sandstone bedrock.

ROCKFALL EVALUATION

Rockfall evaluation was previously provided in Reference No. 2 above.

PROPOSED ROCKFALL HAZARD MITIGATION

Based on a review of Reference No. 2 by the City of St. George Hillside Review Board at a meeting held on-site, Wednesday April 17, 2013, AGECE was requested to provide evaluate rockfall hazard mitigation alternatives which could be considered to reduce the potential likelihood of rockfall runout onto the proposed building pads.

On April 30, 2013, engineers from AGECE conducted additional evaluation of the past rockfall. Upon further review, it was determined that the approximate rockfall runout boundary line previously provide on Figure 1 of Reference No. 2, could be altered slightly. The updated approximate rockfall runout boundary line is shown on Figure 1 of this letter.

Upon reviewing the updated approximate rockfall runout boundary line (Figure 1), rough site staking by Horrocks Engineers, and our analysis of the information provided in Reference No. 2, the project design team determined that the preferred rockfall hazard mitigation alternative would be to construct a trench/ditch behind lots 30 and 31 as shown on the attached pages 1 of 2 and 2 of 2 prepared by Horrocks Engineers. Based on our analysis of the information indicated in Reference No. 2 it was determined that the trench/ditch should be constructed at least 8 feet deep and approximately 10½ feet wide at the base. The trench sidewalls should be constructed with ¼:1 (Horizontal : Vertical) sidewalls.

On Friday May 3, 2013, engineers from AGECE met on-site with David Black, P.E. of Rosenberg Associates (and Hillside Review Board member) to present and discuss the design team alternatives. During our visit, Mr. Black provided the following items for consideration:

1. Provide a flatter access point at the north end of the ditch/trench to allow for pedestrian access out of the trench.
2. Place additional boulders adjacent to the south of the existing boulder near the top of the northeast corner of the proposed cut slope on lot 31.

The above mentioned items have been included in the rockfall mitigation plans prepared by Horrocks Engineers, shown on pages 1 of 2 and 2 of 2 (attached). The remaining lots do not include grading within the runout zone.

DRAINAGE

Based on discussions with the civil engineer, it is our understanding that drainage, including the addition of the rockfall mitigation ditch/trench, will be addressed in the final drainage study to accompany the construction drawings.

LIMITATIONS

This letter has been prepared in accordance with generally accepted geotechnical and geologic engineering practices in the area for the use of the client. The conclusions and recommendations included within the letter are based on the referenced report and letter, conditions observed during our field study and review of aerial photographs. If conditions are found to be significantly different from those described in this letter and subsequent reports/letters, we should be notified to reevaluate the recommendations given.

If you have any questions or if we can be of further service, please call.

Sincerely,

APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.

Jared Hanks, P.E.



Rev. by: GWR, P.E.

JH/sd P:\2013 Project Files\2130000\2130068 - Kachina Cliffs Ph 3 Update\2130068 Rockfall Hazard Mitigation.wpd

Enclosures

- cc: City of St. George - Ray Snyder
- City of St. George - Hillside Review Board, c/o Ray Snyder
- Horrocks Engineers - Scott Duffin, P.E.




 Approx. rockfall runoff boundary

WARNING THIS PLAN AND ANY INFORMATION THEREON ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER ACTION.		HORROCKS ENGINEERS 2700 W. 10TH AVENUE, SUITE 100 DENVER, CO 80202		Kachina Cliffs Phase 3	
DATE	PROJECT	DATE	PROJECT	DATE	PROJECT
10/15/13	2573 30th Ave	10/15/13	2573 30th Ave	10/15/13	2573 30th Ave



Approx. scale 1" = 238'

2130088

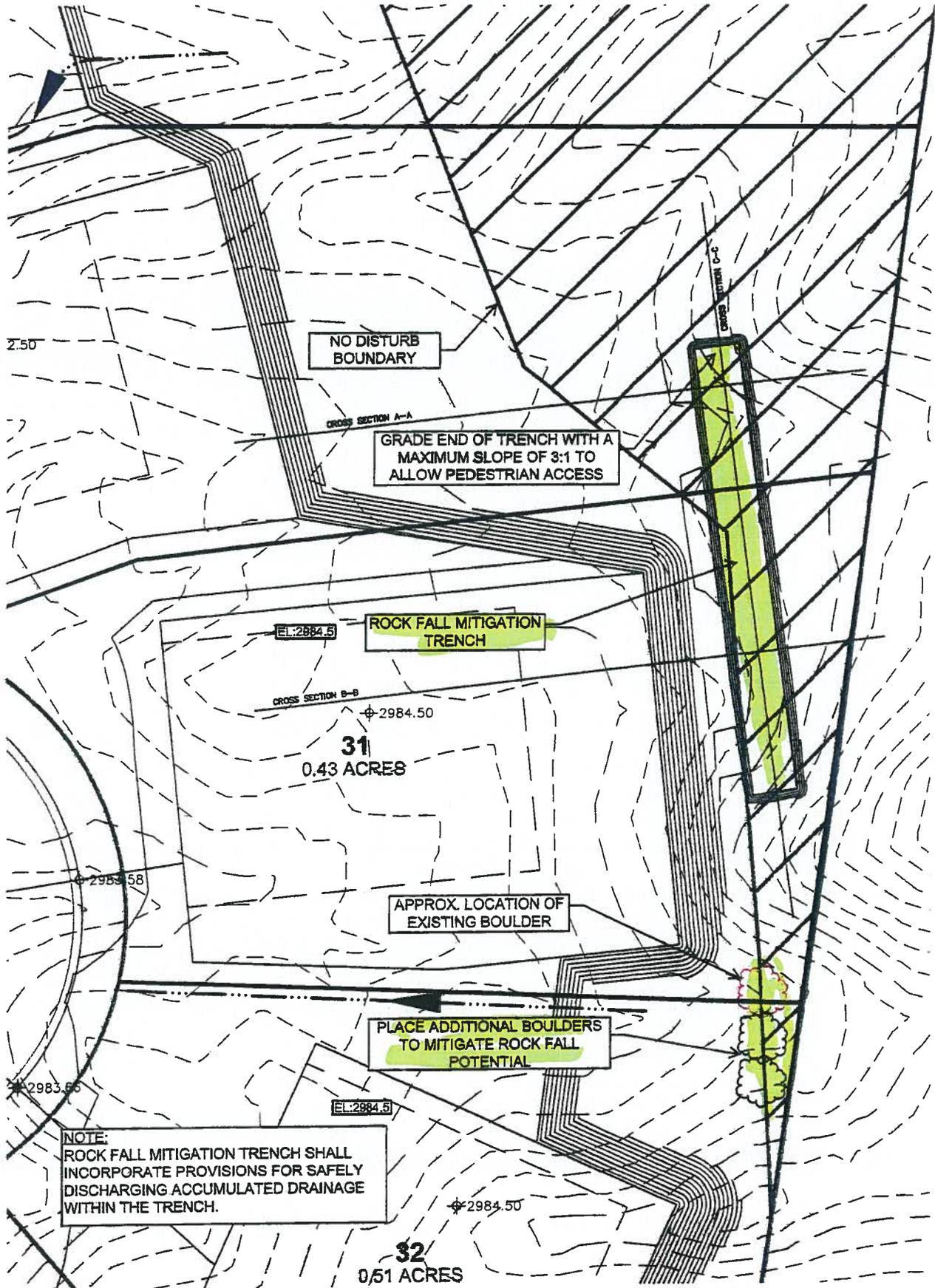


Kachina Cliffs, Phase 3 Approximate Runout Zone

Figure 1

**ROCK FALL MITIGATION PLAN
KACHINA CLIFFS PHASE III
PLAN VIEW**

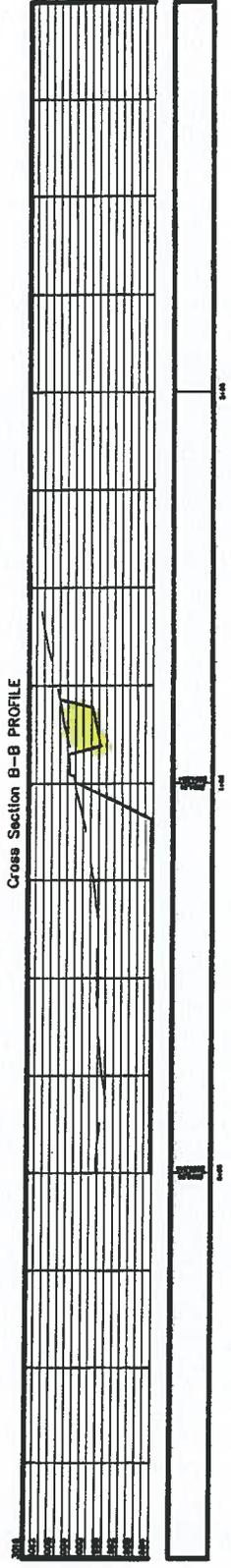
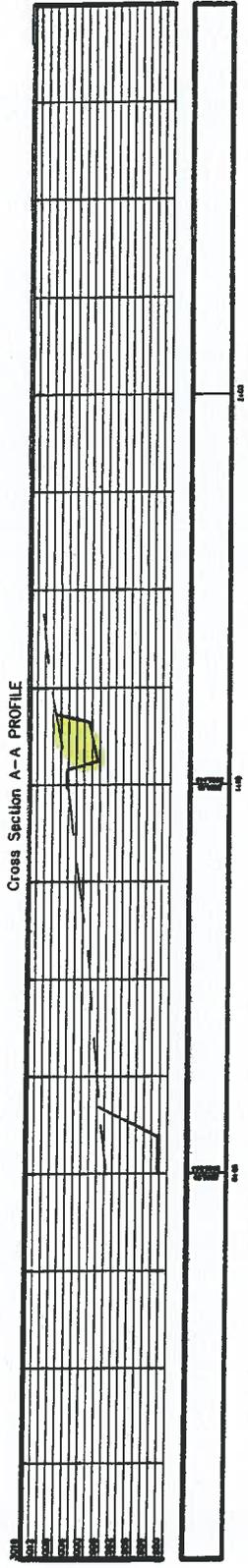
↑
1"=20'



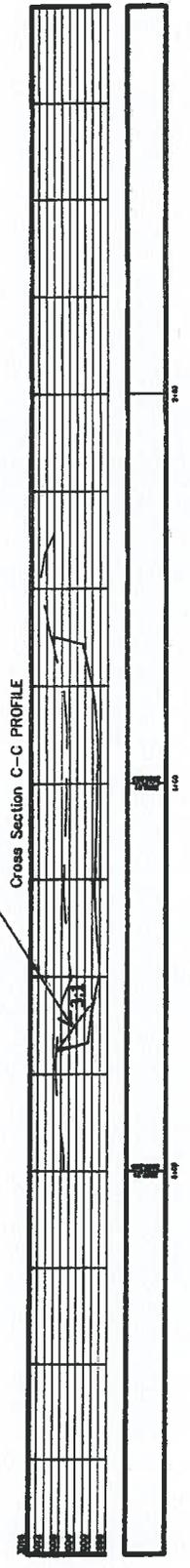
NOTE:
ROCK FALL MITIGATION TRENCH SHALL
INCORPORATE PROVISIONS FOR SAFELY
DISCHARGING ACCUMULATED DRAINAGE
WITHIN THE TRENCH.

**ROCK FALL MITIGATION PLAN
KACHINA CLIFFS PHASE III
CROSS SECTIONS**

1"=30'



GRADE END OF TRENCH WITH A
MAXIMUM SLOPE OF 3:1 TO ALLOW
PEDESTRIAN ACCESS



PCR ITEM 5A

CUP / Garage Height

PLANNING COMMISSION AGENDA REPORT: 05/14/2013
(Tabled – at applicant’s request)
PLANNING COMMISSION AGENDA REPORT: 05/28/2013
CITY COUNCIL MEETING: 06/06/2013

CONDITIONAL USE PERMIT

Case No. 2013-CUP-008

Request: To construct a detached residential garage. The height will exceed the allowable building height of fifteen feet (15’), unless a conditional use permit is granted for a greater height.

Property: The subject residence is at: 538 Los Alamitos Drive

Applicant: Mr. Charles James
538 Los Alamitos Drive
St. George, Utah 84790

Zoning: R-1-10 (Single-Family Residential – 10,000 s.f. minimum lot size)

Ordinance: The Title 10, Chapter 7B “Modifying Regulations,” Section 10-7B-6(B)(7) reads: *“Detached Garages and accessory building shall be limited to an overall height of fifteen feet (15’) for pitched roofs...unless a Conditional Use Permit is granted for a greater height”*. This structure will be ± ~~twenty feet (20’)~~ seventeen feet six inches (17’-6”) in height, thus necessitating the purpose of this conditional use permit request.

Adj. Land: Single-family residences Tabled

P.C. At the Planning Commission meeting the applicant responded to concerns of other residents regarding setbacks and height and volunteered to downsize the garage in both height and square footage. At the City Council revised plans are anticipated to be presented. Basically the height will be reduced to approximately 17’-6” (instead of 20’) and the garage will become a three (3) car (not four (4) as originally proposed). As a result, the applicant is hoping to still obtain approval for five foot (5’) setbacks at the rear and side yard.

The following are the suggested conditions and findings.

1. **Location;** The proposed ~~four~~ three car detached garage will be located in the rear yard thirty-one feet (31’) from the main dwelling and five feet (5’) from the side and rear property lines.

2. **Easements;** The proposed structure will encroach onto City easements and will require a JUC (Joint Utilities Committee) review prior to construction.
3. **BACC;** Mr. James has discussed the plans with the Bloomington Architectural Control Committee (BACC). Staff has spoken with Mr. Kruger of the BACC and he indicated that their approval of the proposed structure is contingent on approval from the City Council. He recommended to Mr. James that the exterior finish materials match the existing home.
4. **Narrative;** The applicant has provided a short narrative (see attached).
5. **Exterior Finish;** Mr. James has indicated in his narrative that the detached garage will have similar finishes as the existing home and colors even though the plans do not indicate those finishes.
6. **GIS – SF;** Staff has verified in GIS that the rear yard has 10,041 sq.ft. The proposed garage will be ~~2,160~~ sq.ft. (square footage to be revised and presented to council) in area. This results in ± 21% rear lot coverage (to be revised).
7. **Setbacks;** Originally staff recommended the setbacks be ten feet (10') and not the five feet (5') requested by the applicant. This was recommended as a result of neighbors concern over the size the structure, however if the height and size is reduced to the satisfaction of the council the setbacks of five feet (5') are satisfactory.

Findings: The following standards must be met to mitigate the reasonably anticipated detrimental effects **if imposed** as a condition of approval:

Yes	N/A	Category	Description
	N/A	A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
	N/A	B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.

	N/A	C. Odors	<p>1. Comply with all air quality standards, state, federal and local.</p> <p>2. Use shall not create unusual or obnoxious odors beyond the property line.</p>
The garage will have similar finish materials as the existing home as per the applicant's narrative.		D. Aesthetics	<p>1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.</p>
	N/A	E. Safety	<p>1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rock fall, erosion, flooding, fire, hazardous materials, or related problems.</p> <p>2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.</p>
	N/A	F. Traffic	<p>1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D".</p> <p>2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.</p>
The detached garage will be approximately 20' feet in height.		G. Height	<p>1. Buildings shall fit into the overall context of the surrounding area.</p> <p>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.</p>
	N/A	H. Hours of Operation	<p>1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.</p>

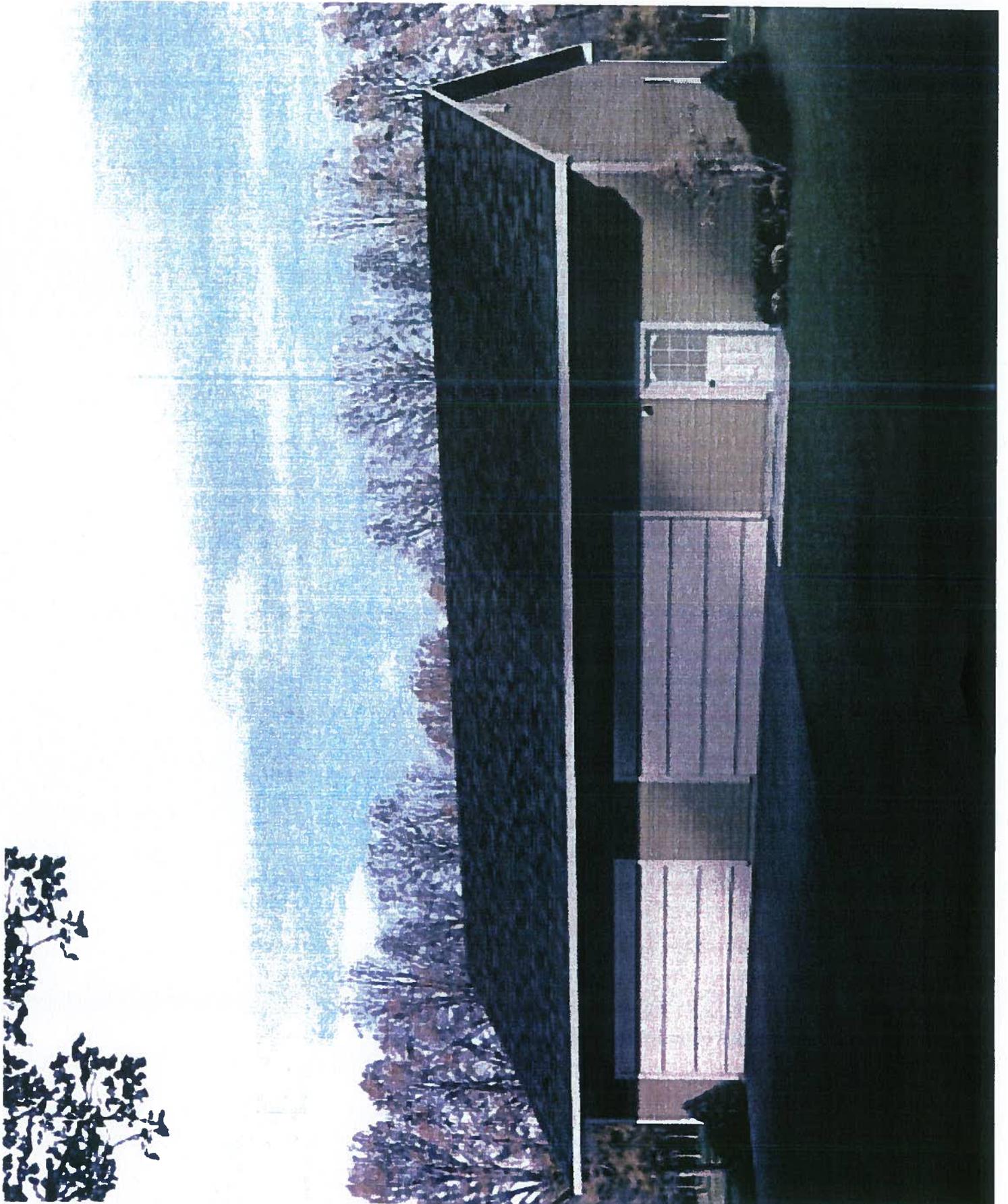
	N/A	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.
A detached garage is within the existing character of the zone. A garage of this height is not unusual for this zone; however, the size (2,160 s.f.) generally may not be within the character of the zone, but it may be within the character of the subdivision (Bloomington Ranches).		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
	N/A	K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

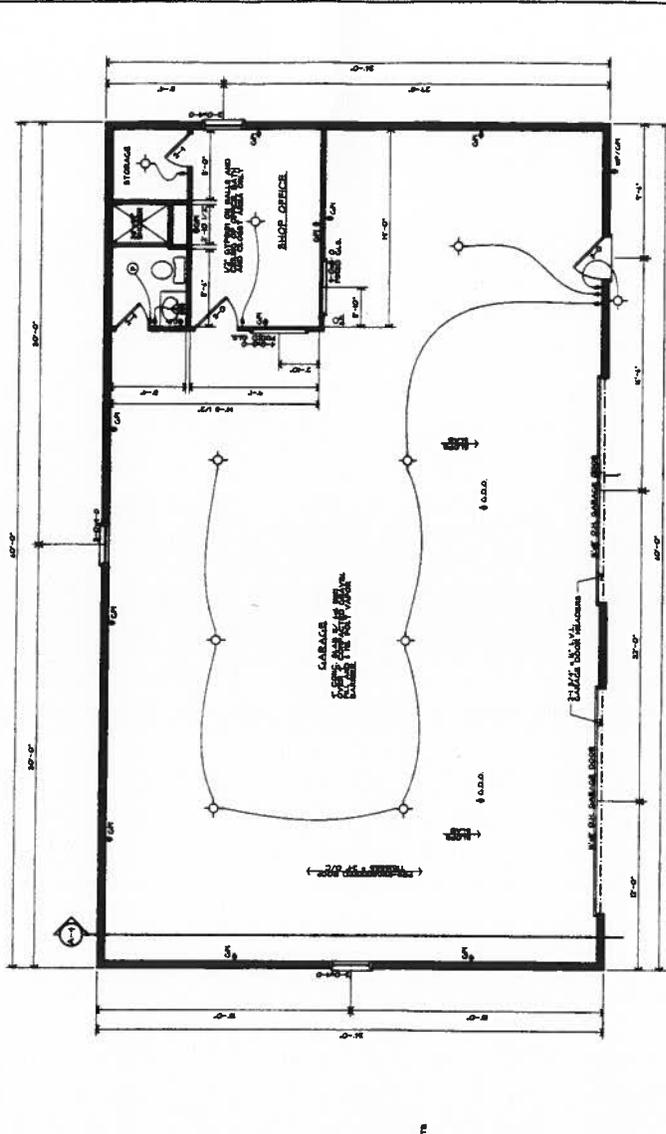
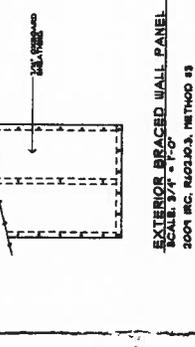
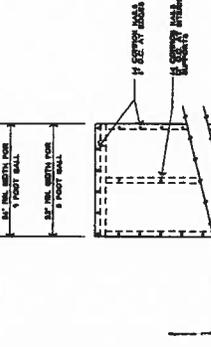
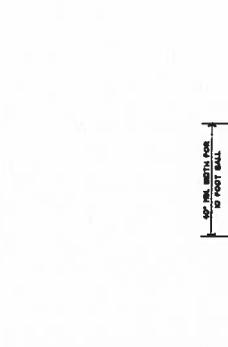
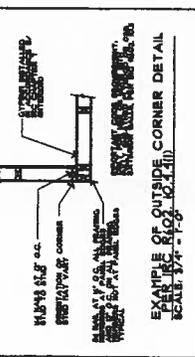
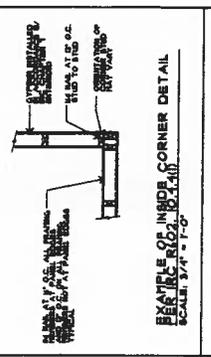
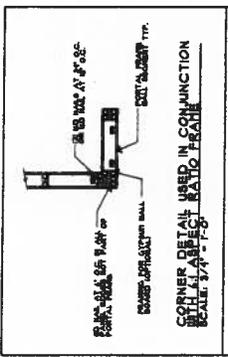


James Residence - 538 W. Los Alamitos

Made by the City of St. George GIS Department
SGCityMaps - <http://maps.sgcity.org/sgcitymaps>

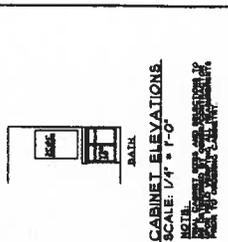
May 7, 2013





FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

FLOOR PLAN NOTES:
1. MAKE SURE TO CHECK FOR ALL CHANGES TO THE PLAN. ALL CHANGES MUST BE APPROVED BY THE ARCHITECT.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL WALLS ARE 8\"/>



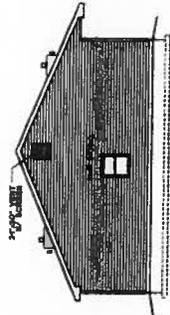
RESIDENTIAL DESIGN SERVICES	PLAN NUMBER	2023
DATE: 2/2/03	JOB #	
REVISED: 10/2/03	SHEET: 9	OF 14

RESIDENTIAL DESIGN SERVICES
14802 FAIRFIELD FARM DRIVE
CHESTERFIELD, MO 63017
314-434-1824
NOT A REGISTERED ARCHITECT

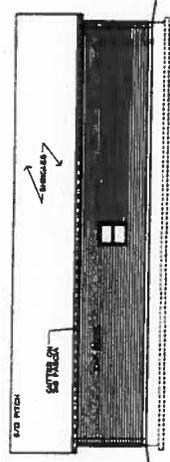
RESIDENTIAL DESIGN SERVICES
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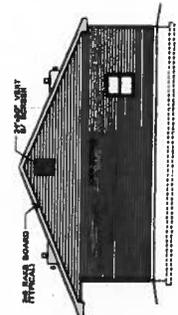
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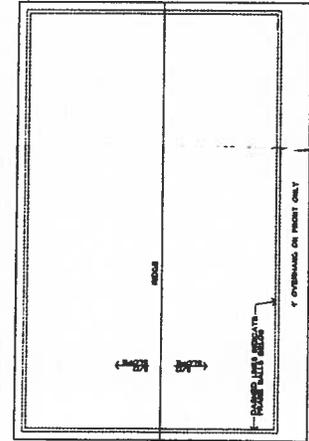
LEFT ELEVATION
SCALE: 1/8" = 1'-0"



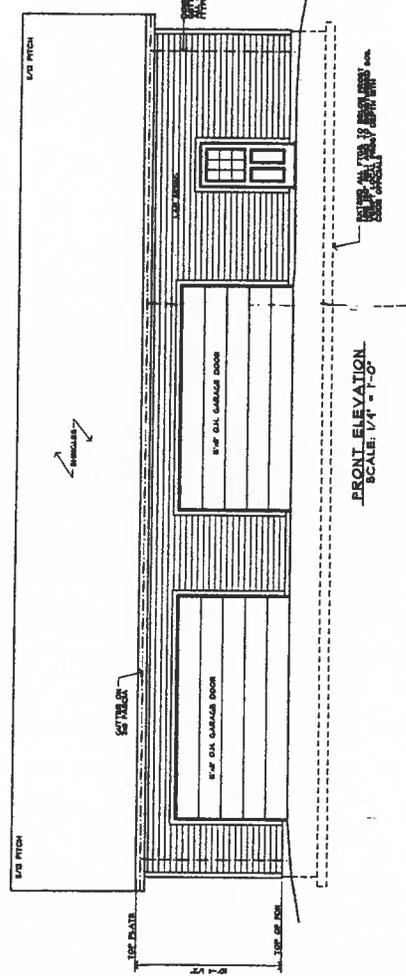
REAR ELEVATION
SCALE: 1/8" = 1'-0"



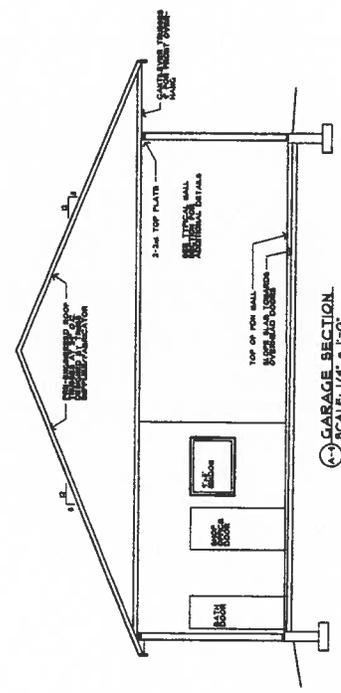
RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



ROOF PLAN
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



GARAGE SECTION
SCALE: 1/4" = 1'-0"

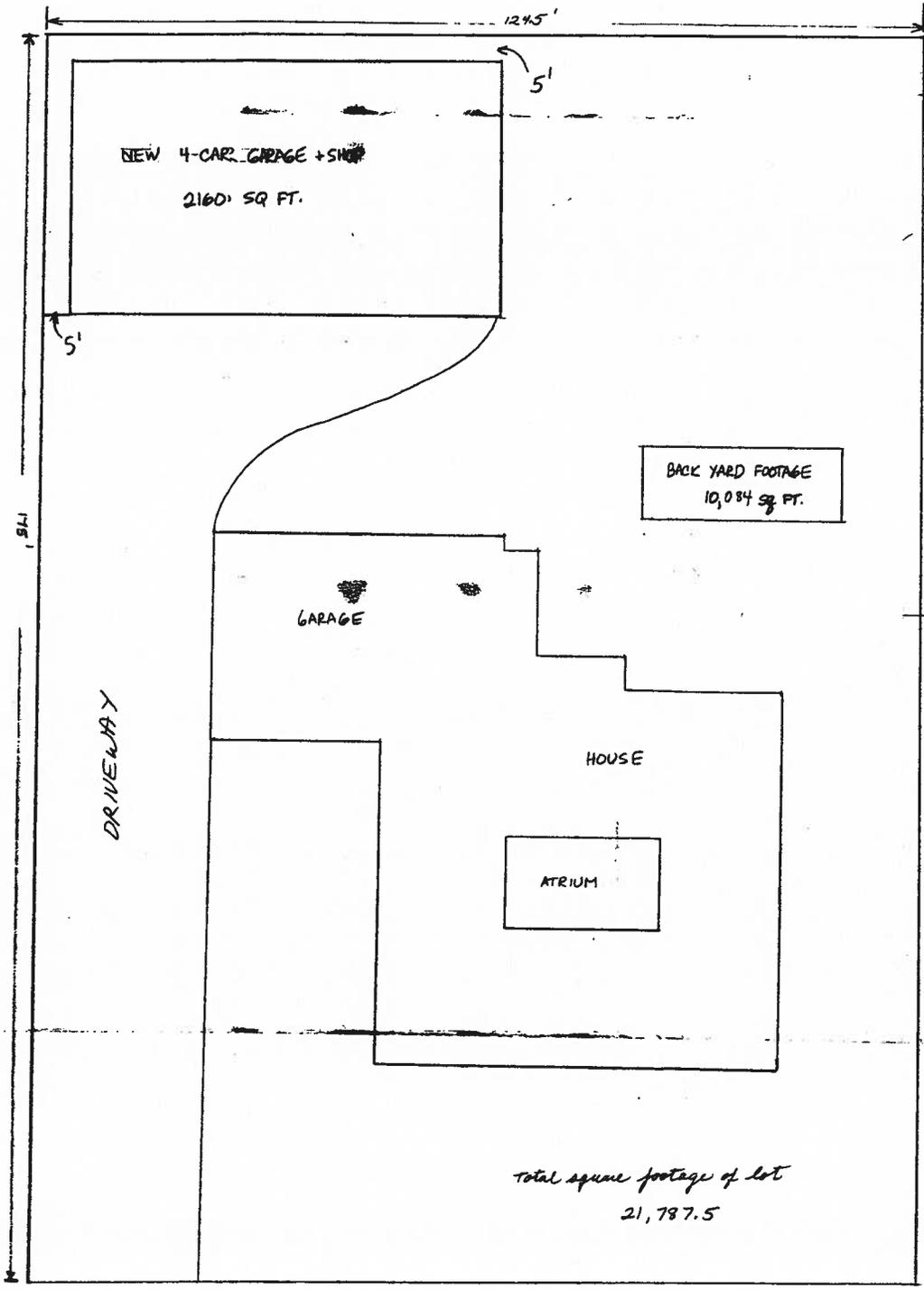
- NOTE:
1. ALL DIMENSIONS ARE 1/2" UNLESS OTHERWISE NOTED.
 2. ALL JOISTS TO BE AS APPROVED AND DESIGNED.
 3. ROOF FINISH TO BE AS APPROVED AND DESIGNED.
 4. ALL FINISHES TO BE AS APPROVED AND DESIGNED.
 5. ALL OPERATIONS TO BE AS APPROVED AND DESIGNED.
 6. ALL OPERATIONS TO BE AS APPROVED AND DESIGNED.

RESIDENTIAL DESIGN SERVICES
PLAN
NUMBER
2023

DATE 2/1/23
JOB #
DRAWN BY 10/1/23
SHEET: 4 of 4

SITE PLAN 1/8" = 1'-0"

LOT # 53



LOS ALAMITOS DR.

Narrative

Here's the plan. We would like to build a large garage (4 car + shop) in the rear of our home for the purpose of housing our cars and working on cars and doing fine art (I am an artist) It will not be used for any commercial purposes and we hope to make it appear similar to the existing home. This means using a similar color brick veneer as well as some plastered areas. The top of the roof will be just shy of 20' high. It is a one story structure and only takes up about 20% of the back yard area. Please call me if you have further questions.

Thanks.

C. James
801-2090725

DRAFTAgenda Item Number : **6H****Request For Council Action**

Date Submitted 2013-05-06 09:33:03**Applicant** Mr Mark Jorgensen**Quick Title** CUP for Desert Solace**Subject** Consider a request for an amendment to a previously approved Conditional Use Permit to add "substance abuse treatment" and treatment for "other behavioral addictions" to the approved treatment program Desert Solace located at 4200 N. 1239 W. (Lot 8 of JEL subdivision), and also to increase the maximum occupancy from ten to sixteen people.**Discussion** Previously Mark Jorgensen received a CUP approval to operate a Residential Treatment Facility for adult male clients who suffered an addiction to pornography. Mr Jorgensen has now requested approval of a CUP to add "substance abuse treatment" and other "behavioral addictions" to the treatment program, and also increase the approved occupancy from 10 to 16 people. The treatment facility is a large home located in the JEL Subdivision off Hwy SR-18 at 4200 North. The property is zoned A-5 which allows Residential Treatment Facilities under a conditional use approval process. The PC recommends approval of the request. No opposition has been expressed to staff or to the PC.**Cost** \$0.00**City Manager Recommendation** Planning Commission recommends approval as the property is in a A-5 zone and is allowed through approval of a conditional use permit.**Action Taken****Requested by** Bob N**File Attachments****Approved by Legal Department?****Approved in Budget?** Amount:**Additional Comments**

PCR ITEM 5B

Residential Treatment - CUP

PLANNING COMMISSION AGENDA REPORT: **05/14/2013**

CITY COUNCIL AGENDA REPORT: **06/06/2013**

CONDITIONAL USE PERMIT: Case # 2013-CUP-006

(Reference Case # 2012-CUP-005)

Request: To amend a previously approved conditional use permit to operate an adult residential treatment facility titled “**Desert Solace.**” This amendment is to add treatment of substance abuse and/or other applicable co-existing addictions to the previous approval. The applicant also wishes to increase the occupancy from 10 to 16.

Background: Desert Solace has been in operation since June 2012 as a marriage and family rehabilitation center. The residential clients are men whose marriage and family have been threatened by their addiction to pornography and other destructive behavior. The facility would now like to include addiction and gambling, and other behavioral addictions.

Narrative: The applicant has provided an amendment narrative (see attached).

Property: Located at 4200 N 1239 W (Lot 8 of the JEL subdivision – Amended)

Zoning: The zoning is A-5 (Agricultural 5 acre minimum lot size).

General Plan: VLDR (Very Low Density Residential – up to 1 DU/AC)

Applicants: Mr. Mark Jorgensen.

Licenses: Both a city business license and a state license are required.

Program: In 2012 the applicant proposed to operate a 60 day residential treatment program that would operate as a marriage and rehabilitation center. The clients would be men whose marriage and family relationships are threatened by their addiction to pornography and other destructive behaviors.

Originally in 2012 the applicant stated that the facility would not treat drug, alcohol, and chemical addiction and that any clients with substance abuse must be free of chemical dependence to be admitted into the program. However, in 2013 after operating for a year the applicant is returning and requesting that this CUP be amended to permit treatment of co-existing addictions.

A State License for "Residential Treatment" is requested (see attached letter dated April 24, 2012 from the Department of Human Services).

Maximum clients: The applicant is proposing a maximum capacity change from ten (10) adults to sixteen (16). The applicant will have to comply with the Utah Department of Human Services Office of Licensing Residential Rules.

Hours / days: This facility would operate 24/7.

Impact Report: The applicant previously provided a "Community Impact Report" as required by the Zoning Ordinance Section 10-5-3.E (see ordinance section below).

Ages: (Men) 18 and older.

Parking: The Planning Commission discussed parking and recommend applying Section 10-19-5 that states; *"Notwithstanding all provisions of this section, the Planning Commission shall take into account in each instance of nonresidential parking the type of development, use, location, adjoining uses and possible future uses in setting parking requirements, and it shall recommend to the city council a requirement of the number of spaces that it deems reasonable necessary in each instance for all employees, business vehicles and equipment, customers, clients and patients of such nonresidential property."*

The standard that was felt to be **most similar** was *"nursing home, care centers, and assisted living."* That standard requires one space per three (3) beds, except where long term care is provided and then one space per two (2) beds is required.

In 2012 the Planning Commission recommended that the minimum parking spaces required be: one (1) space for the resident manager, one (1) for each therapist on duty, and one (1) space per each two clients. This resulted in a minimum of eight (8) spaces (1 manager + 2 therapist + 5 (10 clients/2). If the facility is approved for 16 clients than a total of approximately **ten (10) spaces would be required.**

There is a three (3) car garage **available** on site that may be counted for parking. There are also approximately two (2) stripped handicap parking spaces existing on site. There is paved areas that may be stripped for the additional spaces required.

Adjacent: Single-family residences surround this residence.

Ordinance: This is an agricultural zone, but a single family residence is permitted on a 5 acre parcel per Section 10-5-2.

Per Section 10-5-3, a **residential treatment facility** is a conditional use (CUP) subject to the following:

Residential treatment facility in the A-5, A-10, A-20 zones only (defined as a 24 hour group living environment for more than 8 persons unrelated to the owner or provider that offers room or board and specialized treatment or rehabilitation services for persons with emotional, psychological or developmental dysfunctions, impairments or chemical dependencies), subject to the following requirements:

- A. Facility is licensed by the **Utah Department of Human Services**.*
- B. The **police department** shall be notified prior to placement of convicted felons in such facility.*
- C. A minimum lot size of **five (5) acres** is provided and a minimum six hundred foot (600') separation shall be maintained between residential treatment facilities, schools, and establishments licensed to sell beer or alcoholic beverages.*
- D. The applicant shall pay the applicable **business license fees** as set by the city council and shall also provide a statement demonstrating the capability of the applicant, through insurance, bonds, financial reserves or an immediately available line of credit to ensure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility.*
- E. A **community impact study** shall be provided by the applicant as part of the application for the conditional use permit. The community impact study shall specifically describe the programs provided and evaluate the impact of the residential treatment facility on local schools, the city's economy and economic resources, public safety and law enforcement, aesthetics, tourism, and neighboring properties and businesses, including the impact on property values, if any, and the impact of any other uses within or proposed to be used within the same building or facility to be used as a residential treatment facility. The community impact study shall be prepared by an independent, professional firm qualified to objectively analyze the potential impacts to the community.*

F. A residential treatment facility must provide at least thirty percent (30%) of the area as open green space or playground and one parking space per staff on the highest shift plus one parking space for each five (5) persons housed in the facility.

G. Any conditional use granted shall be for a specified number of individuals. The number of residents shall not be increased without first obtaining approval from the city as an amendment to the conditional use. The request to increase the number of residents shall be accompanied by the study required under subsection E of this use.

H. Any conditional use granted shall be personal to the business licensee at such location, shall not be transferable, and shall expire upon the expiration, revocation or surrender of any city business license, state license, or other regulatory license of the facility.

Behaviors:

In 2012 the Planning Commission inquired of the applicant (and therapists present – Mr. Stan Sullivan and Ms. Lynn Clark) what was the definition or explanation of treatment for “other behaviors.” It was explained that this can include treatment for ADHD, bipolar, PTSD, anxiety, sex addiction treatment, relationship problems, marriage and family issues, compulsivity, co-dependence, family of origin issues, and trauma resolution.

Tiers:

In 2012 the subject of ‘tiers’ was discussed. Desert Solace stated that it will not accept any client beyond a Tier I. Desert Solace will not accept any applicant classified as a Tier II or Tier III sex offender by the SORNA (Sex Offender Registration and Notification Act). It was explained that SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States.

Mr. Mark Jorgensen stated that Desert Solace will not treat criminals, that no felons will be admitted.

Screening:

Desert Solace explained their applicant screening and ‘in-take’ process (see polices documents).

Comments:

At the 2012 PC meeting no one spoke in opposition to this request and no correspondence has been received in either opposition or support. The Planning Commission recommended approval with the following conditions and findings:

1. Shall adhere to City Zoning Ordinance **Section 10-5-3** for “Residential Treatment Facility.”

2. A City **Business License** shall be obtained.
3. **Capacity** shall not exceed ten (10) residents at any given time.
4. Shall adhere to the program as described in the “**Program Narrative.**”
5. Shall adhere to the “**Community Impact Report**” as submitted dated April 20, 2012 (**Section 10-5-3.E**).
6. Shall adhere to the “**Policies and Procedures**” as submitted.
7. A final **fire inspection** is required prior to operation. The applicant shall comply with all Fire Department conditions; such as the posting of fire escape routes, smoke alarms, etc. (see attachment – inspected 4/25/2012).
8. A minimum of 30% of **green space** shall be provided.
9. The **CUP is not transferable.**
10. Applicants shall be of a **Tier I or less** only. Tier I as described in SORNA.
11. Applicants shall undergo a rigid **screening process** before acceptance into the program.
12. Criminal **background checks** shall be required.
13. Per **Section 10-5-3.B** the police department shall be notified regarding any felons.
14. A minimum of eight (8) **parking spaces** shall be provided. All spaces other than within a garage shall be delineated by striping. In 2013 if approved this would change to ten (10).
15. Shall comply with CUP **findings** (see below).

Findings:

The following standards must be met to mitigate the reasonably anticipated detrimental effects if **imposed** as a condition of approval:

Yes	N/A	Category	Description
Contain all noise inside of the residence		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
	X	B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
	X	C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
	X	D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
Meet all fire code requirements		E. Safety	1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems. 2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
Encourage staff carpooling		F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
	X	G. Height	1. Buildings shall fit into the overall context of the surrounding area. 2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.

24/7		H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
	X	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas
No exterior alterations		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
Meet state requirements		K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)



City of St. George
Community Development
175 East 200 North
St. George UT 84770

Re: Proposed amendment to Desert Solace CUP

Dear Sir or Madam:

Desert Solace has operated since June 2012 as a marriage and family rehabilitation center. Our residential clients are men whose marriages and family relationships are threatened by their addition to pornography and other destructive behaviors. The purpose of this narrative is to address these other destructive behaviors as they relate to the broad-spectrum treatment of Desert Solace clients.

Our mission is to save marriages, families, and in many cases, lives, through a 45 to 90 day residential treatment program that focuses on the entire person in all aspects of his life: emotional, physical, spiritual, relational, etc. Experts concur that addiction is nothing but a misguided attempt by the afflicted person to deal with deeper issues, almost always involving past trauma and/or attachment disorders. It is those more fundamental issues that we strive to address and heal. Our program has focused on those who try to escape from these deeper issues through pornography or other sexually related means.

Since its inception, the facility has not treated drug, alcohol, and chemical addiction. However, in the process of treating sexually addicted clients, we have discovered that many, if not most, addicts will readily cross-addict; that is, they will choose another means to avoid life, and will often return (or even turn for the first time) to other addictions such as substance abuse, gambling, or other destructive behaviors.

Because of these co-existing addiction issues, Desert Solace would like to amend its treatment parameters to include chemical addiction, gambling and other process (behavioral) addictions, as well as pornography and other sexually related addictions. This change would not only allow patients to receive a broader, more complete spectrum of care, but would also allow them to potentially access their insurance plan benefits to assist them in funding that care.

Prior clients with substance abuse issues have always been required to be free of chemical influence to be admitted to Desert Solace. This will continue to be the case; clients must undergo medical detoxification as necessary prior to admittance.

Desert Solace would also like to increase the number of number of residential clients it can concurrently serve from 10 to 16. The expanded parameters of

treatment could potentially necessitate the increased census, and the existing facility could comfortably and effectively accommodate such an increase.

In its new form, Desert Solace will continue to meet the highest of ethical and professional standards. Clinical staff will have impeccable professional credentials and will, of course, meet all proper and current licensing requirements.

The treatment process and structure will remain largely unchanged. Inpatient treatment consists of a variety of activities and treatments. A client's typical day begins with morning meditation and scripture/spiritual study, followed by group and individual therapy sessions. Afternoon and evening schedules include educational lectures, equine assisted therapy, art therapy, exercise (including professionally facilitated biking, hiking, yoga, and resistance training), facility and community service projects, and 12-step based recovery meetings.

As addiction is a family problem, spouses and other affected family members are heavily involved in treatment concurrent with the residential client. This includes periods of intensive on-site couples and family counseling during the course of the residential treatment, though family members will not be housed overnight at the facility. During the client's length of stay, spouses and other family members will receive therapy from professionals in their area of residence who will work in close consultation with Desert Solace therapists with the common goal of healing the family unit. At the conclusion of residential treatment, staff and local therapists will create a carefully formulated aftercare program to help ensure continued and complete recovery.

Thank you for your consideration in this matter. Please contact me anytime at (435) 817-1351 if you have any questions or need any clarification.



Mark Jorgensen
Executive Director
Desert Solace, LLC



DRAFTAgenda Item Number : **6G****Request For Council Action**

Date Submitted 2013-05-28 19:10:10**Applicant** Mr Charles James**Quick Title** CUP for detached garage height up to 17.5'**Subject** Consider a request for a conditional use permit to construct a detached garage to a height of 17'6" behind the applicant's residence at 538 Los Alamitos Drive in a R-1-10 zone.**Discussion** The applicant originally proposed a detached garage to a height of 20' to roof peak, but after one neighbor expressed opposition to city staff, the applicant has changed his request to a smaller detached garage with a maximum height of 17'6". The PC recommends approval of the revised height request. No opposition was present at the PC meeting, but staff did get a phone call objecting to the original 20' height proposal.**Cost** \$0.00**City Manager Recommendation** Recommend approval.**Action Taken****Requested by** Bob N (CH)**File Attachments****Approved by Legal Department?****Approved in Budget? Amount:****Additional Comments**

COMMUNITY IMPACT REPORT

For



Desert Solace

Mark Jorgensen, Managing Director

Prepared by

HintonBurdick CPA's & Advisors

Date: May 20, 2013



HINTONBURDICK
CPAs & ADVISORS

Requirement

This report has been prepared in compliance with the St George City Zoning Ordinance Section 10-5-3.E, which reads:

“E. A community impact study shall be provided by the applicant as part of the application for the conditional use permit. The community impact study shall specifically describe the programs provided and evaluate the impact of the residential treatment facility on local schools, the city's economy and economic resources, public safety and law enforcement, aesthetics, tourism, and neighboring properties and businesses, including the impact on property values, if any, and the impact of any other uses within or proposed to be used within the same building or facility to be used as a residential treatment facility. The community impact study shall be prepared by an independent, professional firm qualified to objectively analyze the potential impacts to the community.”

Preparation

This report has been prepared by HintonBurdick CPA's and Advisors an independent, professional firm qualified to objectively analyze the potential impacts to the community.

Location

The address is 4200 North 1239 West in the JEL Ranch subdivision. The building is the former home to Durham Care Assisted Living.

Overview

Desert Solace has successfully operated a marriage and family rehabilitation center during the past year. The residential clients are men whose marriages and family relationships are threatened by their addiction to pornography and other destructive behaviors. The facility has not treated drug, alcohol, and chemical addiction during the past year; clients with substance abuse issues must be free of chemical dependence to be admitted to Desert Solace. The therapists at Desert Solace have determined that many of clients revert to or develop substance abuse addictions as they overcome their pornography addiction. As a result, the facility needs to be able to also counsel and work with clients on substance abuse additions. However, the facility will not be a detoxification facility. Desert Solace is also requesting to expand from 10 to 16 beds. Based on our review, the current facility will allow that to happen with little to no change in the impact or potential risks to the community.

The mission of Desert Solace is to save marriages, families, and in many cases, lives, through a 60-day residential treatment program that focuses on the entire person in all aspects of his life: emotional, physical, spiritual, relational. Experts concur that pornography addiction is not about sex, but a misguided attempt by the afflicted person to deal with deeper issues, almost always involving past trauma and/or attachment disorders. It is those more fundamental issues that we intend to address and heal.

Desert Solace clients are carefully screened to meet admittance criteria. Potential clients are only be admitted by referral from a licensed qualified private therapist, who has determined the individual to be free from any condition deemed dangerous or disruptive to himself, other clients, Desert Solace staff and facility, and the community at large. Convicted sex offenders will not be admitted.

The clinical director is Lynne Clark-Brunson, MF, LMFT. Lynne has over 23 years experience as a therapist specializing in the areas of trauma and behavioral addiction. She is also well known throughout St. George for her expertise in local photography and history. Other clinical staff likewise has impeccable professional credentials and meets all proper and current licensing requirements.

Inpatient treatment consists of a variety of activities and treatments. A client's typical day begins with morning meditation and scripture/spiritual study, followed by group and individual therapy sessions. Afternoons and evenings schedules include educational lectures, equine assisted therapy, art therapy, exercise (including professionally facilitated biking, hiking, yoga, and resistance training), facility and community service projects, and 12-step based recovery meetings.

As this is a family problem, spouses and other affected family members will be heavily involved in treatment concurrent with the residential client. This includes periods of intensive on-site couples and family counseling at the beginning and conclusion of the residential treatment, though family members will not be housed overnight at the facility. During the client's length of stay, spouses and other family members receive therapy from professionals in their area of residence who will work in close consultation with Desert Solace therapists with the common goal of healing the family unit. At the conclusion of residential treatment, staff and local therapists will create a carefully formulated aftercare program to help ensure continued and complete recovery.

Local Schools

Proximity of schools is not be an issue in the operation of Desert Solace. The school nearest to the facility is Coral Cliff Elementary School, located 4.8 miles away.

City Economy

Desert Solace has and will continue to benefit the city economy by utilizing local merchants for food and other required supplies, and through the creation of jobs for clinical and operational staff. The local economy also benefits from the direct purchases made not only by clients, but also their families who will visit the community to participate in Desert Solace' family support program (held on alternating weekends) as part of the overall client treatment plan.

City Economic Resources

We feel that Desert Solace has had and will continue to have little negative impact on the economic resources of the city if the policies and procedures for client intake and treatment are properly followed. If the Desert Solace staff strictly follows the admittance policies, those in the program would impact city economic resources no more or no less than would the average citizen. Additionally, city economic resources would be positively impacted from property taxes on the facility, sales tax on purchases made, and jobs created in the community. Fees paid to Desert Solace will primarily come from enrollees from outside of our community, and those fees will have a multiplying effect on our community through wages paid to employees and purchased made for the purpose of operating Desert Solace.

Public Safety

Desert Solace is very mindful of the connotation that is created by a facility treating "pornography addiction". Neighboring citizens and others could very reasonably question the acts of an individual that may have precipitated his enrolling at such a facility, and what implication that individual's history might mean for public safety.

Desert Solace has included its policies and procedures, which have been approved by the Utah Department of Human Services as part of the licensure process, very careful measures to ensure that its clients' impact on public safety is minimized. These measures include those of both client screening and program administration. The program is subject to inspections and monitoring by the Utah Department of Human Services and annual licensure requirements to ensure compliance with Utah law and safety standards.

Desert Solace will not accept any applicant classified as a Tier II or Tier III sex offender by the Sex Offender Registration and Notification Act (SORNA). SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States.

Additionally, residents will be monitored 24 hours. The facility is equipped with a security system that monitors resident quarters and immediately notifies staff of any resident attempting to leave his quarters after hours.

Law Enforcement

Applicants to the Desert Solace Program who have committed or been convicted of Tier II or III misdemeanor and felony offenses as defined under the Sex Offender Registration and Notification Act (SORNA) will not be admitted. Other applicants convicted of nonviolent felony offenses may be considered for admission after a careful screening, which includes but is not limited to a criminal background check, and interview process to ensure the applicant does not pose a threat to the safety of the community and treatment of other residents. If the Desert Solace clinical team approves the admission of a felony applicant, local law enforcement will be notified in compliance with St. George City Code 10-5-3(B). The facility has had no significant problems with clients requiring law enforcement intervention.

Aesthetics

Desert Solace' facility is newly remodeled and landscaped. It does and will continue to maintain and aesthetically pleasing appearance in an effort to project an image of professionalism for the purposes of both ongoing marketing to prospective clients, and also to be compatible with community standards.

Tourism

Area tourism benefits from Desert Solace, albeit only at a level commensurate with the relatively small census of the facility. Family members participating in the treatment program require food, lodging, and other services during their bi-weekly weekend stays.

Neighboring properties

The property sits on a five-acre lot within the JEL Ranch subdivision. The entire subdivision consists of eight five-acre lots. See addendum 1.

Neighboring Businesses

No neighboring businesses currently exist within a three-mile radius. The nearest businesses are located in the Sunset Corners commercial area on north Bluff Street near the Sunset Boulevard intersection.

Property Values

As previously mentioned, the property on which Desert Solace sits has been recently remodeled and landscaped to improve property aesthetics. Desert Solace has been further aesthetically enhanced by removal of unsightly equipment and debris, installation of new outdoor lighting, weed removal, and general cleanup. Although establishing property values is an inexact science, the general consensus is that neighboring property values are enhanced with improvements

Other Uses

The Desert Solace facility will continue to be used strictly for the purposes outlined in the overview section above.

Summary

Desert Solace' intention is to provide a world-class facility to treat what it feels is a growing societal problem. To reach such a lofty goal, Desert Solace must strictly adhere to the laws and standards of the State of Utah and the City of St. George, as well as its policies and procedures and inspection requirements as approved the Utah Department of Human Services.

Desert Solace is fully committed to providing an atmosphere of healing to its clients, as well as providing a positive impact in the community. The owners and staff of Desert Solace recognize that the future and growth of the facility can only be attained through maintaining the highest standards of care and ethics.

Based on the procedures and inquiries and analysis from our study, we feel that the Desert Solace program has had and will continue to have an overall positive impact on the community especially in the areas highlighted and will have little to no negative impact if the safeguards for client intake and treatment are properly followed. The location of the facility and its distance from schools, other businesses and most residences mitigates the potential negative impacts on the community.

Desert Solace Policy and Procedure Manual

A separate operational policy and procedure manual has been provided to the Utah Department of Human Services as part of Desert Solace' licensing, and is available for inspection upon request.

Addendum 1



JEL Ranch

Created: Tue Mar 13 2012 12:43:18 PM

<http://maps.egcity.org>

DRAFT

Agenda Item Number : **1A**

Request For Council Action

Date Submitted 2013-05-23 09:03:53

Applicant Rich Stehmeier

Quick Title Hangar Lease for Corporate Air Service

Subject Consider approval of an airport hangar lease with Corporate Air Service for site #53C.

Discussion Corporate Air Service had originally leased site #54J, but felt they would rather build on #53C. They have met Legal's requirements to rescind their old lease and qualify for this new lease.

Cost \$0.00

City Manager Recommendation Request to change from one site to a different site. Meets all requirements.

Action Taken

Requested by Larry H. Bulloch

File Attachments [Corporate Air Service.doc](#)

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments

Attachments [Corporate Air Service.doc](#)

DRAFT

Agenda Item Number : **61**

Request For Council Action

Date Submitted 2013-05-28 08:34:47

Applicant Water Services Dept.

Quick Title Stage I of Drought Management Plan

Subject Consider approval to initiate Stage I of the drought management plan.

Discussion With the raw water storage reservoirs at 70% of their capacity at the beginning of the high water use season, the Water Services Department would like to initiate Stage I of the Drought Management Plan. With the initiation of Stage I, water users are asked to voluntarily conserve water. Water users are asked to observe an 8pm to 8am outside watering schedule.

Cost \$0.00

City Manager Recommendation Primarily a request to use water wisely and water during times that are most beneficial to the lawns and plants between 8pm to 8am. Recommend approval.

Action Taken

Requested by Scott Taylor

File Attachments

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments

**CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH**

PLANNING COMMISSION REPORT: MAY 28, 2013
CITY COUNCIL MEETING: JUNE 6, 2013

1. **PUBLIC HEARING TO BE ADVERTISED FOR JUNE 20, 2013**

Consider a request for a **zone change** from PD-R (Planned Development Residential) to OS (Open Space) and to amend the ‘**Fossil Hills PD Master Plan**’ by deleting 23.69 acres of PD-R zoning and replacing it with OS zoning. The owner is SITLA and the representative is PCI (Progressive Contracting Inc.), Mr. Russell Limb. Case No. 2013-ZC-006 (Staff - Bob N).

2. **FINAL PLATS**

A. Consider approval of a final plat for “**The Cliffs at Snow Canyon Plat M**” a one (1) lot single family subdivision. The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned PD-R (Planned Development Residential) and is located at 3052 North Snow Canyon Parkway (in the Cliffs development between Units 206 and 207). Case No. 2013-FP-016 (Staff –Todd J.).

B. Consider approval of a final plat for “**Tonaquint Terrace Phase 2, 3rd Amendment and Extension**” a sixty-five (65) lot single family subdivision final plat amended and extended. The representative is Mr. Jim Raines, Bush and Gudge. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at 2269 South 1260 West (in the Tonaquint Terrace development). Case No. 2013-FPA-015 (Staff –Todd J.).

3. **PRELIMINARY PLAT**

Consider a preliminary plat request for “**Zions Bank**” to create two (2) commercial lots. Lot 1 (existing bank site) would be 1.22 acres and Lot 2 (new commercial site) would be 0.73 acres. The owner is Zion’s First National Bank and the representative is Mr. DeLon Askvig. The property is zoned AP (Administrative Professional) and C-2 (Commercial). The property is located at 717 South River Road. Case No. 2013-PP-022. (Staff – Wes J.).

4. **BUILDING DESIGN CONCEPTUAL SITE PLANS**

A. Consider a request for a BDCSP (Building Design Conceptual Site Plan) review of a proposed new car dealership for ‘**Steven Wade Nissan**.’ The site is located on the vacated 1700 South Street off of Hilton Drive. The zoning is PD-COM (Planned Development Commercial). The representatives are Mr. Reid Pope, Pope Engineering and Mr. Bill Western, Architect. Case No. 2013-BDCSP-003. (staff – Ray S.) *Note: On May 16, 2013 the City Council vacated 1700 South Street.*

- B. Consider a request for a BDCSP (Building Design Conceptual Site Plan) review of a proposed remodel of an existing car dealership for '**Steven Wade Chevrolet / Cadillac.**' The site is located in the vicinity of the vacated 1700 South Street off of Hilton Drive. The zoning is PD-COM (Planned Development Commercial). The representatives are Mr. Reid Pope, Pope Engineering and Mr. Bill Western, Architect. Case No. 2013-BDCSP-005. (staff – Ray S.).

5. **HILLSIDE PERMIT**

Consider a request for a Hillside Development Permit for a proposed residential subdivision to create thirty-three (33) single family residential lots called "**Kachina Cliffs Phase 3**" on approximately 23 acres. The applicant is Henry Walker Homes and the representative is Mr. Scott Duffin, Horrocks Engineers. The property is zoned PD-R (Planned Development Residential). Hillside Permit Case No. 2013-HS-002. (Staff – Ray S.)

6. **CONDITIONAL USE PERMITS**

- A. Consider a request for a Conditional Use Permit to construct a **detached accessory garage** that will exceed the allowable height of fifteen feet (15') unless a conditional use permit is granted for a greater height. The subject property is located at 538 Los Alamitos Drive. The zoning is R-1-10 (Single Family Residential 10,000 square foot minimum lot size). Mr. Charles James is the applicant. Case No. 2013-CUP-008 (Staff – Craig H.). *(Tabled at request of applicant at 5/14/2013 PC meeting)*
- B. Consider a request for an amendment to a previously approved conditional use permit which established "**Desert Solace**" an intensive residential treatment facility for adult male clients who suffer from addiction to pornography and other sexual behaviors through the use of a holistic, task-oriented approach. This amendment would add treatment of chemical addiction, gambling, and other behavioral addictions to the program and increase the maximum occupancy from 10 to 16. The applicant is Mr. Mark Jorgensen. The zoning is A-5 (Agricultural 5 acre minimum lot size). The property is located at 4200 N 1239 W / Lot 8 JEL subdivision. Case No. 2013-CUP-006.

7. **OTHER PLANNING COMMISSION ACTIONS (FYI)**

- A. The Planning Commission considered and **tabled for a second time** a preliminary plat request for "**The Legends at Cactus Flats**" to create twelve (12) lots on 3.75 acres. The owner/developer is Mr. Glen Bundy and the representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size). The property is located along the west side of 2100 East north of 2450 South. Case No. 2013-PP-018. (Staff – Wes J.). Note that this item was discussed for 50 minutes, but the matter of roadway placement was not

resolved. Three roadway placement options were discussed and the applicant prefers not to install a roadway half width for the extension of 2330 South Street on the north property line. The PC determined that further research into the matter of the City's Master Road Plan is required before this request will return.

- B. The Planning Commission considered, but tabled a request for a Conditional Use Permit to permit **automotive dismantling** for an existing recycling business and to permit a **caretakers unit** for security and theft protection. The subject property is located at 985 East 770 North Street in the old industrial park. The zoning is M-1 (Industrial). Mr. Matt Thomas is the applicant. Case No. 2013-CUP-009. (Staff – Ray S.). This item was tabled because there was not a representative present at the PC meeting. This item will be rescheduled to the next PC meeting of June 11th.

PCR ITEM 2A

Final Plat

PLANNING COMMISSION AGENDA REPORT: 05/28/2013
CITY COUNCIL MEETING: 06/06/2013

FINAL PLAT

The Cliffs of Snow Canyon Plat "M"

Case No. 2013-FP-016

Request: Approval of a 1 Lot Residential Subdivision Final Plat

Representative: Scott Woolsey, Alpha Engineering
43 South 100 East #100
St. George, UT 84770

Property: Located at 3052 North Snow Canyon Parkway (In the Cliffs development between Units 206 and 207)

Zone: PD-R

Staff Comments: All aspects of this Final Plat were carefully looked at and reviewed by the Community Development Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the preliminary plat conditions and approvals.

P.C.: The Planning Commission recommends approval.

PCR ITEM 2B

Final Plat Amendment

PLANNING COMMISSION AGENDA REPORT:
CITY COUNCIL MEETING:

05/28/2013
06/06/2013

FINAL PLAT AMENDMENT

Tonaquint Terrace Phase #2, 3rd Amended and Extended
Case No. 2013-FPA-015

Request: Approval of a 65 Lot Residential Subdivision Final Plat Amended and Extended

Representative: Jim Raines, Bush and Gudgell
205 E. Tabernacle St., Suite 4
St. George, UT 84770

Property: Located at 2269 South 1260 West (in the Tonaquint Terrace Development)

Zone: R-1-10

Staff Comments: The purpose of this Final Plat Amendment is to add a 20 Foot wide portion to Lot 130 the runs southerly to 2240 South Street (which also runs along the rear of Lot 131). This 20 Foot wide strip of land will also be a public utility and drainage easement. No other changes have been made.

All aspects of this Final Plat Amendment were carefully looked at and reviewed by the Community Development Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the conditions and approvals.

P.C.: The Planning Commission recommends approval.

PCR ITEM 3

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 05/28/2013
CITY COUNCIL MEETING: 06/06/2013

PRELIMINARY PLAT
Zions Bank Subdivision
Case No. 2013-PP-022

Request: A request to consider a preliminary plat to create a two lot commercial subdivision.

Location: The parcel would be located on the southeast corner of the intersection of Foremaster Drive and River Road.

Property: 1.96 acres

Number of Lots: 2

Zoning: A-P (Administrative Professional)
C-2

Adjacent zones: North: PD-C (Planned Development Commercial)
West PD-C
East PD-R (Planned Development Residential)
South PD-R

General Plan: COM (Commercial)

Owner: Zions First National Bank

Representative: DeLon Askvig

Engineer: Southwest Consulting Services

Comments:

1. The developer is proposing a cross access agreement and a shared parking agreement between the two lots.
2. Currently the property line between the two parcels extends through the middle of the existing bank. This plat will locate the property line in a more suitable location.

P.C.: The Planning Commission recommends approval.

PCR ITEM 4A Car Dealership

PLANNING COMMISSION AGENDA REPORT: 05/28/2013
CITY COUNCIL MEETING: 06/06/2013

Steven Wade Nissan
2013-BDCSP-003

Request: To develop a car dealership on the recently vacated roadway (60 ft R.O.W.) 1700 South Street and adjacent property.

Reference: The City Council approved the vacation of 1700 South Street between Hilton Drive and Black Hills Drive at the May 16th City Council Meeting (agenda items #3D & 4D)

Project Name: Nissan Dealership

Owner / Developer: Mr. Steven Wade
150 W Hilton Drive
St George, Utah 84770

Representative(s): Mr. Reid Poe, Pope Engineering
1240 E 100 S Suite 15-B
St George, Utah 84770

Mr. Bill Western, Architect
1253 Marigold Way Street
St George, Utah 84790

Zone: PD-COM (Planned Development Commercial)

Vicinity (Zoning): The site is surrounded by PD-C zoning to the north, east, and south.

General Plan: COM (Commercial)

Narrative (PD Text): The applicant has provided a narrative (see attached).

Location: Located on recently vacated 1700 South Street.

Building Area: The proposed building pad would be 12,573 sq. ft. and would include a 7,039 sq. ft. service area.

- Height:** The height would be 24'-6" (single story).
- Ordinance:** Regarding a BDCSP; Chapter 8 "Planned Development Zone" Section 10-8-3(C) requires the submittal of a colored site development plan, a written text, colored elevations, a colored rendering, and a color and materials sample board for property proposed to be developed within a PD zone.
- Access:** Access is by Hilton Drive.
- Setbacks (Required):** Front = 25 ft., Side = 10 ft. Street side = 25 ft., and rear = 10 ft.
- Setbacks (Proposed):** Setbacks will be verified by staff during the civil plan check. The preliminary site plan indicates that the proposed building will meet and exceed requirements.
- The preliminary setbacks are; front = approx. 150 ft, side (north) = N/A, side (south) = N/A, and rear = N/A.
- Materials:** Color photos of the proposed building and its colors and materials are provided.
- Parking:** One (1) customer parking space shall be provided for every seven (7) display vehicles plus two (2) spaces for management.
- Landscaping:** The front of the site shall be landscaped to match the existing landscaping along Hilton Drive.
- Lighting:** The site shall be designed to be "dark sky" friendly and avoid any light pollution to neighbors. A photometric plan will be requested during the site plan review process.
- P.C.:** The Planning Commission recommends approval with the following suggested conditions;
1. Approval is recommended for an approximately 12,573 sq. ft. single story car dealership building as presented on May 28, 2013 to the Planning Commission.
 2. Parking to be verified by staff during plan check to meet ordinance.
 3. The architectural theme, colors, and materials are recommended for approval as were presented on May 28, 2013.

4. A SPR (Site Plan Review) application shall be submitted along with the required civil engineering plan sets to the Community Development Department for plan checking and processing.
5. The site shall be designed with “dark sky” friendly lighting and will avoid any light pollution to the neighbors. A photometric plan shall be provided along with the SPR application in the civil engineering plan set.



L.R. Pope Engineering, Inc.

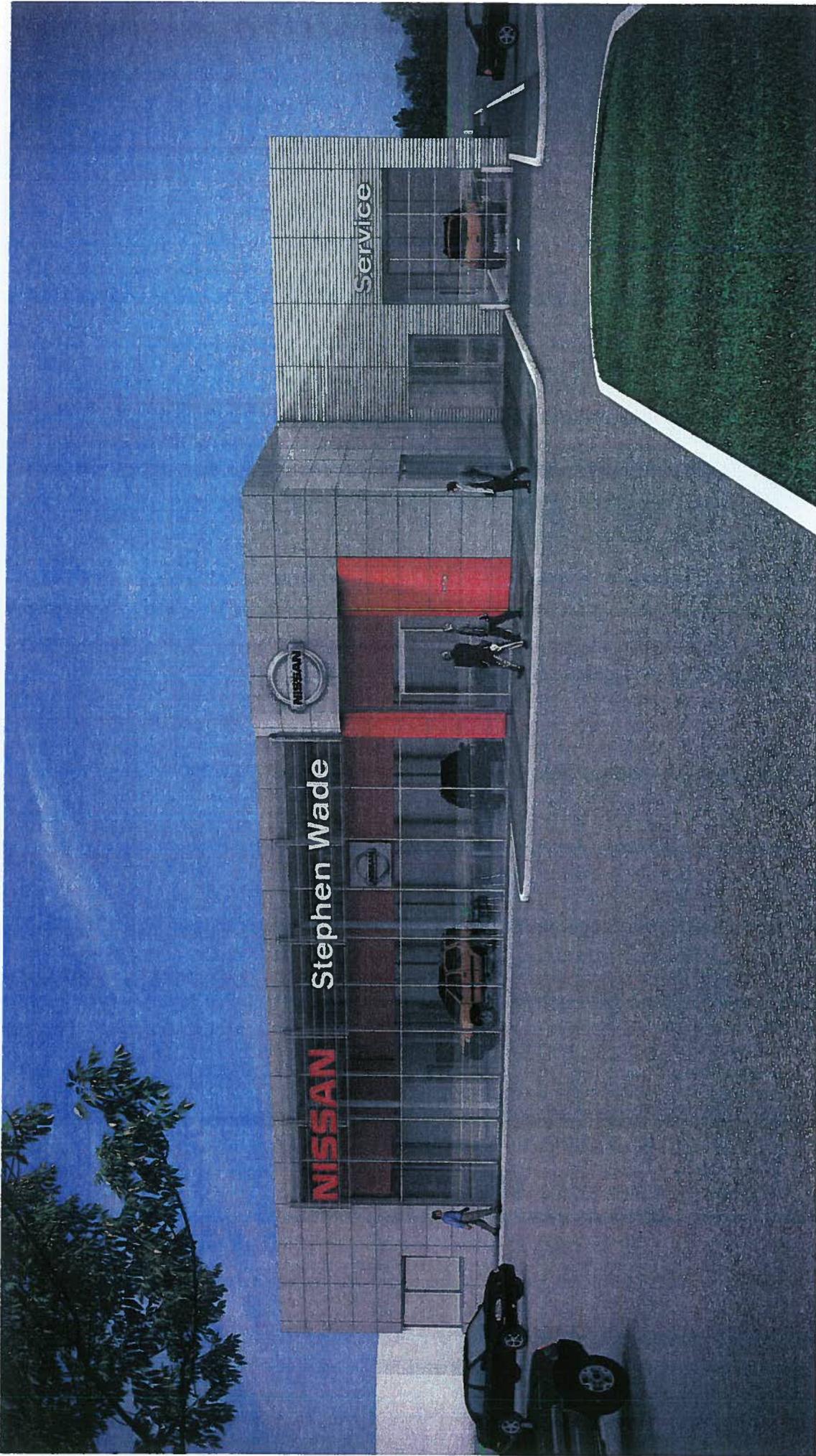
1240 East 100 South #15B • St. George, Utah 84790 • (435) 628-1676 • (435) 628-1788 Fax

To: St. George City Community Development
From: L.R. Pope Engineering
Date: April 9, 2013
Re: Stephen Wade Nissan Building Written Text

The Stephen Wade Auto Center is planning on building a smaller Nissan Dealership Building in the vacated street area of 1700 South just north of the existing Nissan Building. The colors and materials are going to be the same as the existing building which is going to be remodeled into a future Chrysler Dealership after the completion of the new Nissan Building. The Toyota building is going to be added onto and remodel for a new Chevrolet Dealership and the Toyota Dealership will move into the existing new Chevrolet Dealership. With the elimination of the public street all of the Stephen Wade Dealerships will be together to form an auto mall area.

A handwritten signature in black ink, appearing to read 'L. Ried Pope', is written in a cursive style. The signature is positioned above the printed name and title.

L.Ried Pope, PE
Project Engineering



NISSAN NORTH AMERICA, INC.
Nissan Retail Environment Design Initiative
Facility Program

General



Key
● Required
○ Alternative
⊙ Access

Note:
Refer to key plan on page 2.8
for designation location

Tradeline Elements	St. George	Provo	Midvale	West Valley	North Valley	South Valley
ACM1 Silver metallic aluminum composite cladding	●	●	●	●	●	●
ARM1 Silver metallic ribbed cladding	○	○	○	○	○	○
ARM1 Silver metallic louvers system	○	○	○	○	○	○
Architectural Elements						
G1 Stained glass windows w/white trim	○	○	○	○	○	○
D1 Glass doors w/Alum./Silver hardware	○	○	○	○	○	○
D3 & D4 Light gray painted door w/Alum. trim & hardware	○	○	○	○	○	○
D4 Metal garage doors w/Alum./Silver hardware	○	○	○	○	○	○
P1 Light gray satin paint - Walls, ceiling, masonry	○	○	○	○	○	○
P2 Light gray semi-gloss paint - Trim, doors, frames	○	○	○	○	○	○

No.	Location	Color and Material Specifications	Description/Specifications	Manufacturer/Supplier
ACM1	Front facade Columns Corners	Silver metallic Aluminum Composite Metallic cladding	Aluclad - Series Silver Ribbed - 24" height Aluclad - Double Silver 4444444444 Note: ACM panels are 24" high Nissan Silver Metallic paint equivalent to ACM is PPG #32M56799P (Alcoa) PPG #32M48798P (Alcoa) For use by approved sign vendor only	Alcoa Composites, Inc. Alcoa Cladding Systems Alcoa - Pittsburgh Chemical
ACM2	Entrance	Nissan Red Aluminum Composite Metallic panel	Designwall 2000 Nissan spec.	Kingman
* Alternative to ACM	Front facade Columns Corners	ribbed panel painted finish silver metallic	Conuqui Series C3260 Concealed fastener panels with manual clip, #937 X 22 Gauge galvanized metal substrate for panels only. Note: installed horizontally	Centra Architectural Systems
IMP	Service reception	insulated metal panel PPG tactile silver		by General Contractor
ARM1	Service reception	ribbed panel painted finish silver metallic		Benjamin Moore & Co.
G1	Glazing Glass doors	Clear glass panels with clear anodized aluminum or silver metallic framing		Benjamin Moore & Co.
P1	General walls	Light gray paint	Silver Half Dollar 2121-40 Low Lustre	Benjamin Moore & Co.
P2	Doors Hardware Trims	Light gray paint	Silver Half Dollar 2121-40 Paint doors and frames to match	Benjamin Moore & Co.
P3	Utility rooms Ceiling Corners Wall base Bulkheads	Dark gray paint	Steel Wool 2121-20 Low Lustre	Benjamin Moore & Co.

facility evaluation
conceptual design
project scope and schedule

Facility Proposal
Stephen Wade Auto Center - St. George, Utah
These drawings are for communication of design intent only. These
drawings are not edited or intended for construction or fabrication.

sheet description: exterior schedule and finishes

scale:

issue date:

drawn by:

checked by:

status:

template:

sheet No: **S2.1**



DATE	BY	APP'D	SCALE



L. R. POPE ENGINEERING INC.
 1100 S. 10th St. #100
 Lincoln, NE 68502
 (402) 441-1100

STEPHEN WADE - NEW NISSAN + TOYOTA REPAIR
GRADING AND DRAINAGE PLAN
 LOCATED IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 16 WEST, 125th EBM

CONTRACT NO. 1100
 DATE SUBMITTED 11/15/01

SCALE 1" = 60'
 SHEET CA

LEGEND

EXISTING
 EXISTING DRIVEWAY
 EXISTING SIDEWALK
 EXISTING CURB
 EXISTING UTILITY

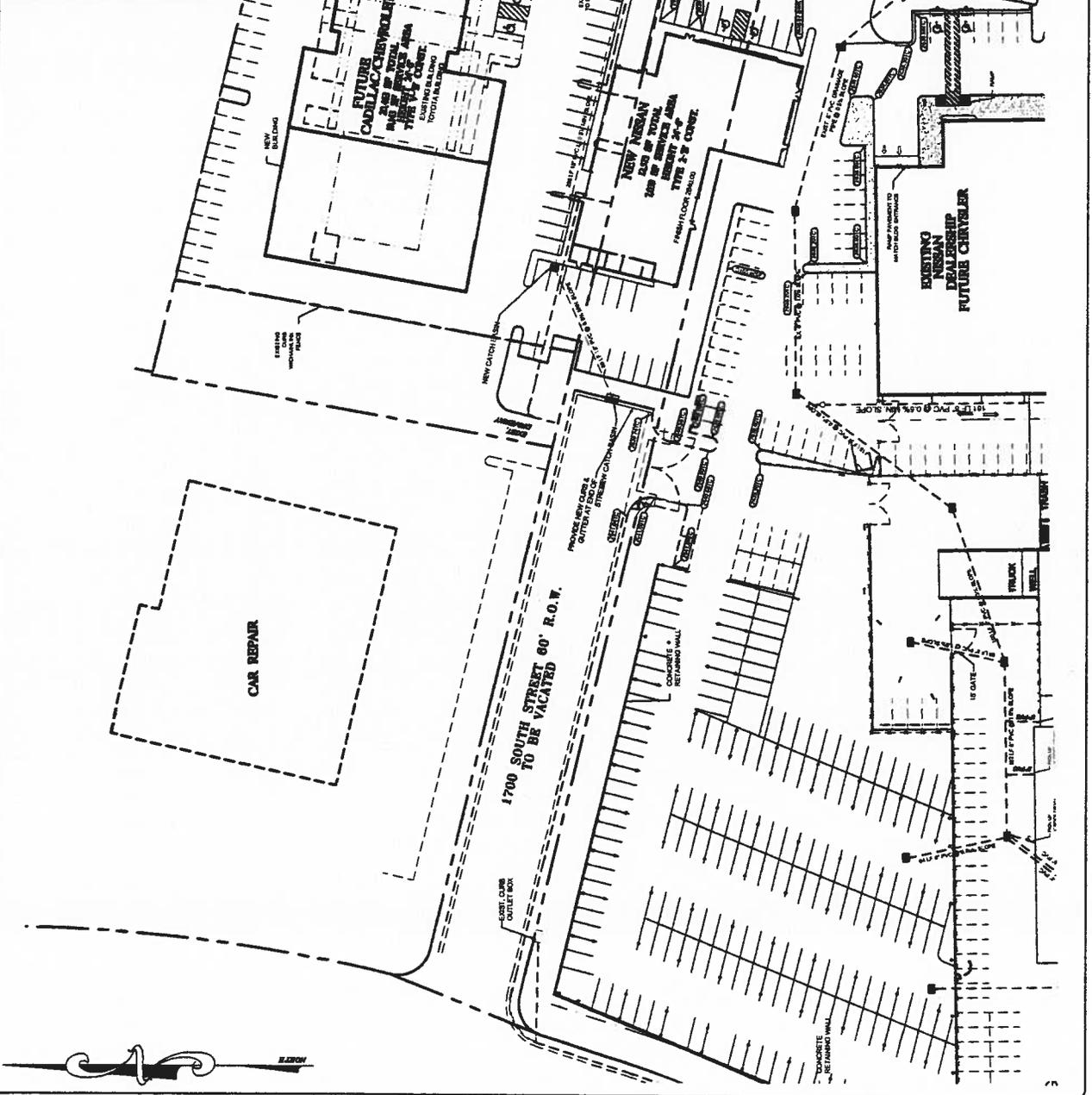
NEW
 NEW DRIVEWAY
 NEW SIDEWALK
 NEW CURB
 NEW UTILITY

PROPOSED
 PROPOSED DRIVEWAY
 PROPOSED SIDEWALK
 PROPOSED CURB
 PROPOSED UTILITY

CONSTRUCTION
 CONSTRUCTION DRIVEWAY
 CONSTRUCTION SIDEWALK
 CONSTRUCTION CURB
 CONSTRUCTION UTILITY

UTILITIES
 12" WATER MAIN
 18" WATER MAIN
 24" WATER MAIN
 36" WATER MAIN
 48" WATER MAIN
 60" WATER MAIN
 18" SANITARY SEWER
 24" SANITARY SEWER
 36" SANITARY SEWER
 48" SANITARY SEWER
 60" SANITARY SEWER
 18" GAS
 24" GAS
 36" GAS
 48" GAS
 60" GAS

NOTES
 1. ALL NEW DRIVEWAYS SHALL BE CONCRETE ON 4" GRANULAR FILL.
 2. ALL NEW SIDEWALKS SHALL BE CONCRETE ON 4" GRANULAR FILL.
 3. ALL NEW CURBS SHALL BE CONCRETE ON 4" GRANULAR FILL.
 4. ALL NEW UTILITIES SHALL BE 12" DIA. PVC ON 4" GRANULAR FILL.
 5. ALL EXISTING UTILITIES SHALL BE 12" DIA. PVC ON 4" GRANULAR FILL.
 6. ALL EXISTING DRIVEWAYS SHALL BE ASPHALT ON 4" GRANULAR FILL.
 7. ALL EXISTING SIDEWALKS SHALL BE ASPHALT ON 4" GRANULAR FILL.
 8. ALL EXISTING CURBS SHALL BE CONCRETE ON 4" GRANULAR FILL.
 9. ALL EXISTING UTILITIES SHALL BE 12" DIA. PVC ON 4" GRANULAR FILL.
 10. ALL EXISTING DRIVEWAYS SHALL BE ASPHALT ON 4" GRANULAR FILL.
 11. ALL EXISTING SIDEWALKS SHALL BE ASPHALT ON 4" GRANULAR FILL.
 12. ALL EXISTING CURBS SHALL BE CONCRETE ON 4" GRANULAR FILL.
 13. ALL EXISTING UTILITIES SHALL BE 12" DIA. PVC ON 4" GRANULAR FILL.



NO.	DATE	BY	REVISIONS



L. R. POPE ENGINEERING INC.
 10000
 STATE OF ARIZONA

LANDSCAPING PLAN
 STEPHEN WADE - NEW NISSAN + TOYOTA REMODEL

DESIGNED BY: [Signature]
 DATE APPROVED: [Blank]

SCALE: 1" = 30'
 SHEET
C6

LOCATED IN SECTION 8, TOWNSHIP 43 SOUTH, RANGE 18 WEST, SB1M
 T1E8S 11E18W S18M

LANDSCAPE LEGEND

DESERT LANDSCAPE AREA (ROCK MULCH)

PROVIDE AT LEAST 60% OF THE
 AREA WITH
 AS GREEN PLANT MATERIAL

RAYWOOD ASH 2" CALBER
 2" BOX STREET
 TREES TYPICAL

60' LF FRONTAGE / 4" O.C. 18" TREES REQ'D

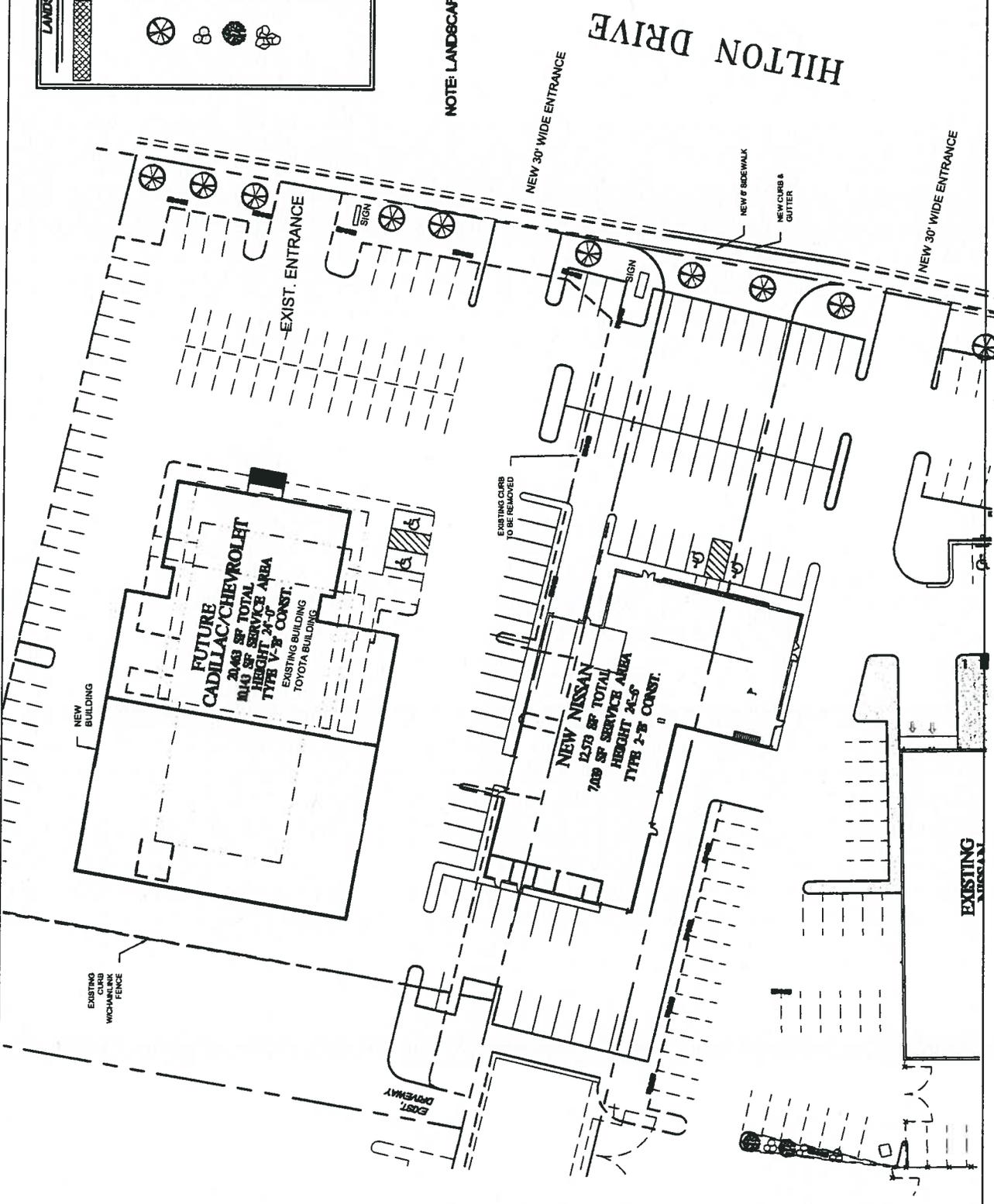
VARIETY OF DESERT FLOWERING PLANTS
 VARIETY OF BRUBERS
 MATCHING EXISTING LANDSCAPING

3/4" BOARDS TO BE PLACED
 RANDOMLY AMONG
 LANDSCAPING AREAS AND 10'
 MINIMUM FROM BACK OF CURB.

ALL VEGETATION TO BE
 PLANTED AT LOW PRESSURE
 IRRIGATION SYSTEM

ALL LANDSCAPE AREAS TO BE
 COVERED BY 1" - 2"
 ROCK MULCH 2" MIN. DEPTH
 OVER DENNITT WEED FABRIC.

NOTE: LANDSCAPING TO MATCH EXISTING



PCR ITEM 4B

Car Dealership-Remodel

PLANNING COMMISSION AGENDA REPORT: 05/28/2013
CITY COUNCIL MEETING: 06/06/2013

Steven Wade Nissan
2013-BDCSP-005

- Request:** To remodel the existing Toyota car dealership into a Chevrolet / Cadillac dealership.
- Project:** The project consists of remodeling the existing dealership showroom area and expanding it to enclose the existing overhang on the east side of the building. The remodeled building will not expand past the existing front setback. The design includes removing 3,700 square feet service area and adding a 10,400 square foot service area. The remodeled facility will also include a new 1,500 square foot service drive. The original building is approximately 9,000 square feet. The remodeled building would be 20,400 square feet.
- Materials:** The existing building finishes include stucco and glass at the showroom area and concrete block for service area. The remodeled facility will be glass and A.M.C. panels with a painted concrete block service area.
- Owner / Developer:** Mr. Steven Wade
150 W Hilton Drive
St George, Utah 84770
- Representative(s):** Mr. Reid Pope, Pope Engineering
1240 E 100 S Suite 15-B
St George, Utah 84770
- Mr. Bill Western, Architect
1253 Marigold Way Street
St George, Utah 84790
- Zone:** PD-COM (Planned Development Commercial)
- Vicinity (Zoning):** The site is surrounded by PD-C zoning to the north, east, and south.
- General Plan:** COM (Commercial)

- Narrative (PD Text):** The applicant has provided a narrative (see attached).
- Location:** Approximately 1700 South Hilton Drive.
- Building Area:** Proposed to remodel to 20,400 square feet.
- Height:** The existing height is 26' (single story). Blue arch is 28 ft.
- Ordinance:** Regarding a BDCSP; Chapter 8 "Planned Development Zone" Section 10-8-3(C) requires the submittal of a colored site development plan, a written text, colored elevations, a colored rendering, and a color and materials sample board for property proposed to be developed within a PD zone.
- Access:** Access is by Hilton Drive.
- Setbacks (Required):** Front = 25 ft., Side = 10 ft. Street side = 25 ft., and rear = 10 ft.
- Setbacks (Proposed):** Setbacks will be verified by staff during the civil plan check. The preliminary site plan indicates that the proposed building will meet and exceed requirements.
- The preliminary setbacks are; front (East) = approx. 140 ft, side, side (North) = 42 ft., side (South) = 75 ft., and rear (West) = 84 ft.
- Materials:** Color photos of the proposed building and its colors and materials are provided.
- Parking:** One (1) customer parking space shall be provided for every seven (7) display vehicles plus two (2) spaces for management.
- Landscaping:** The front of the site shall be landscaped to match the existing landscaping along Hilton Drive.
- Lighting:** The site shall be designed to be "dark sky" friendly and avoid any light pollution to neighbors. A photometric plan will be requested during the site plan review process.
- P.C.:** The Planning Commission recommends approval with the following suggested conditions;
1. Approval is recommended for an approximately 20,400 sq. ft. single story car dealership building remodel and addition as presented on May 28, 2013 to the Planning Commission.

2. Parking to be verified by staff during plan check to meet ordinance.
3. The architectural theme, colors, and materials are recommended for approval as were presented on May 28, 2013.
4. A SPR (Site Plan Review) application shall be submitted along with the required civil engineering plan sets to the Community Development Department for plan checking and processing.
5. The site shall be designed with “dark sky” friendly lighting and will avoid any light pollution to the neighbors. A photometric plan shall be provided along with the SPR application in the civil engineering plan set.



May 20, 2013
City of St. George
City Council
Planning Commission

Stephen Wade Dealership project narrative in regards to remodeling and enlarging the existing Toyota Auto Dealership to a Chevrolet/Cadillac Dealership

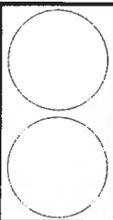
It is the intent of Stephen Wade Auto Group to remodel the existing Toyota Auto Dealership located at 1700 South Hilton Drive to a Chevrolet/Cadillac Auto Dealership. The project consists of remodeling the showroom area and expanding it to enclose the existing overhang on the East side of the building. The remodeled building will not encroach into the front set back any more than the existing building. The design of the project includes removing the rear 3,700 SF service area and adding a 10,400 SF service area. The remodeled facility will also include a new 1,500 SF service drive. The original building is just over 9,000 SF. the remodeled building will be approximately 20,400 SF. The existing building finishes include stucco and glass at the showroom area and concrete block for the service area. The remodeled facility will be glass and A.M.C. panels, with a painted concrete block service area.



EXISTING



CONSULTANTS



**Stephen Wade
Remodeled and
Addition of the
Existing Toyota to a
Chevrolet/Cadillac
Dealership**

1700 South Hillman Drive
St. George, Utah 84770

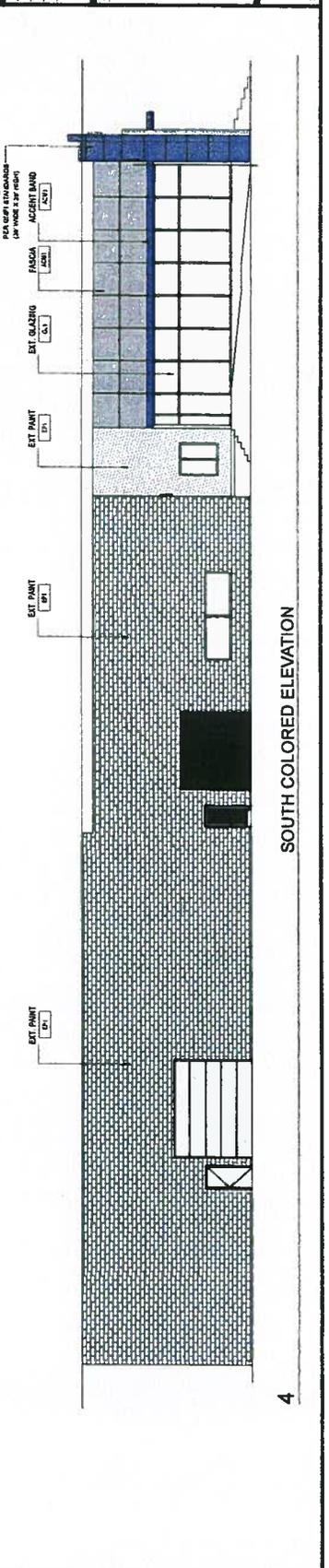
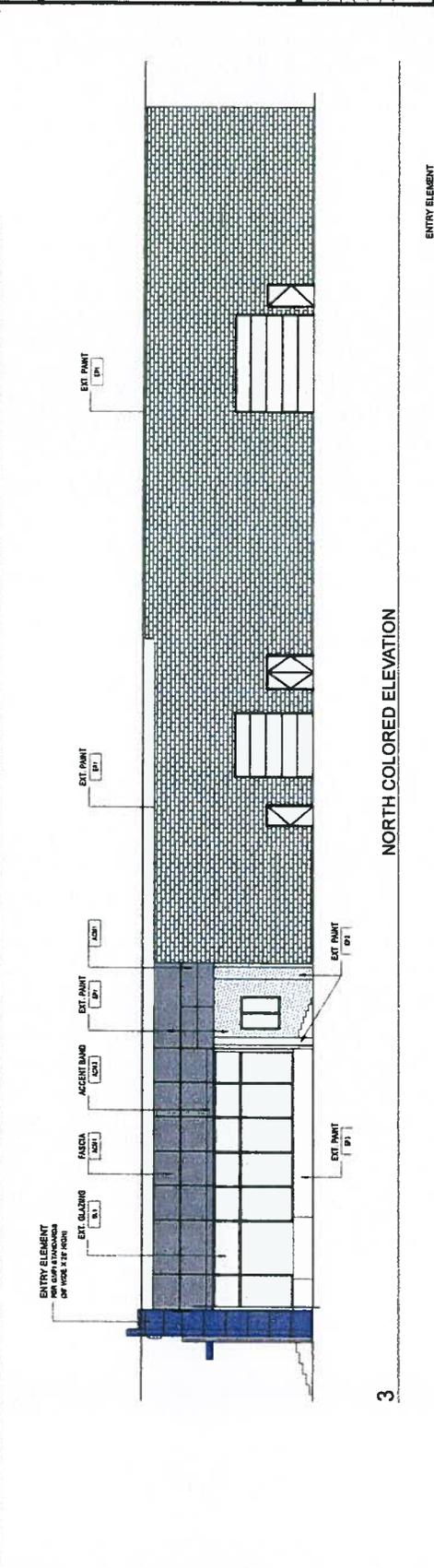
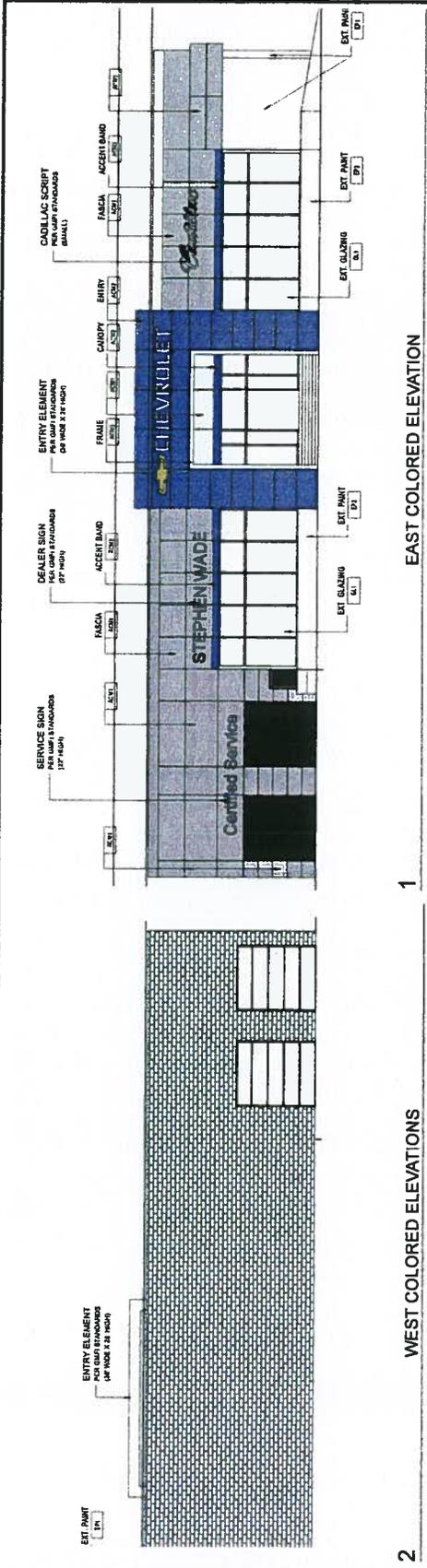
Stephen Wade Auto Center
150 West Hillman Drive
St. George, Utah 84770

MARK	DATE	DESCRIPTION
1/1		

DATE: 01/17/2013
PROJECT NO.: 1302091
DRAWN BY: WJD/W
CHECKED BY:
COPYRIGHT:

SHEET TITLE
**COLOR EXTERIOR
ELEVATIONS**

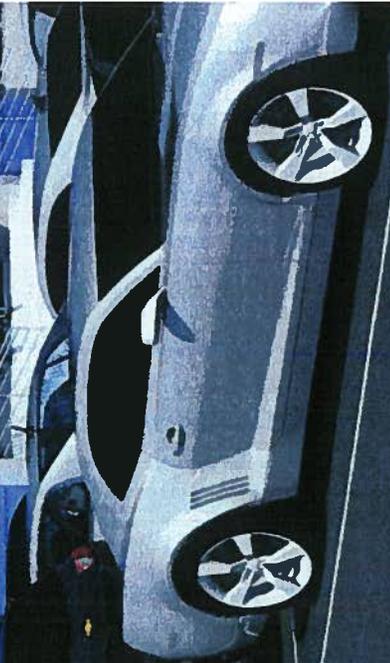
A-200
SHEET 6 OF 10



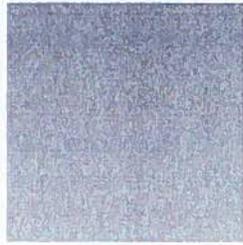
 CHEVROLET

STEPHEN WADE

Lifted Service



Exterior Materials



Exterior Metallic ACM
Location: Showroom/Primary Facades

ACM1



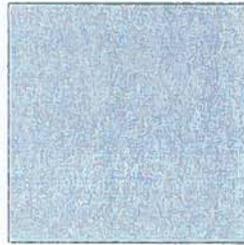
Exterior Blue ACM
Location: Showroom/Primary Facades

ACM2



Exterior Paint
Location: Service Building and Any Other Building Exterior Except Showroom/Primary Facade

EP1



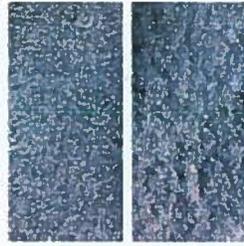
Exterior Paint
Location: Exteriors at Main Showroom Structure

EP2



Exterior CMU (Color to Match EP1)
Location: Service Building and Any Other Building Exterior Except Showroom

CMU1



Exterior CMU (Color to Match EP2)
Location: Service Building and Any Other Building Exterior Except Showroom

CMU2

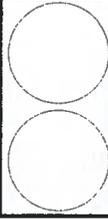
For specification information for all program materials refer to the Materials and Finish Schedule in Section 4.

2-20

Chevrolet Facility Image Design Intent | Version 7.0



CONSULTANTS



Stephen Wade Remodeled and Addition of the Existing Toyota to a Chevrolet/Cadillac Dealership

1700 South Hillton Drive
St. George, Utah 84770

Stephen Wade Auto Center
150 West Hillton Drive
St. George, Utah 84770

MARK	DATE	DESCRIPTION
	7/7	

DATE: 9/17/2013
PROJECT NO.: 1302001
DRAWN BY: WDW
CHECK BY:
COPYRIGHT:

SHEET TITLE

EXTERIOR FINISHES

A-200B

SHEET 8 OF 12

NO.	DATE	BY	CHKD.	DESCRIPTION



L.R. POPE ENGINEERING, INC.
 10000
 STATE OF CALIFORNIA
 PROFESSIONAL ENGINEER
 No. 10000

STEPHEN WADE - NEW NISSAN + TOYOTA REMODEL
LANDSCAPING PLAN
 LOCATED IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 16 WEST, S28E
 AND IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 16 WEST, S28E

DATE: 11/15/00
 SCALE: 1" = 20'
 SHEET: C8

LANDSCAPE LEGEND

DESERT LANDSCAPE AREA (HOOK/MALDEN)

PROVIDE AT LEAST 50% OF THE LANDSCAPING AS GREEN PLANT MATERIAL

RAYWOOD ASH 2" CALIBER
 24" BOX 6" INSET
 TREES TYPICAL

187 LF FRONTAGE / 40' O.C. x 18" THICK REDD

VARIETY OF DESERT PLANTING PLANTS
 MATCHING EXISTING LANDSCAPING

3" Ø BOLLARDS TO BE PLACED
 LANDSCAPING AREAS AND 10'
 MINIMUM FROM BACK OF CURB.

ALL VEGETATION TO BE
 IRRIGATED BY LOW PRESSURE
 DRIP SYSTEM

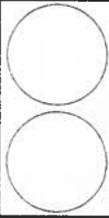
ALL LANDSCAPE AREAS TO BE
 COVERED BY 1.5" MIN. POLY
 PROPYLENE FIBER
 COVER DEWITT WHEED FABRIC

NOTE: LANDSCAPING TO MATCH EXISTING





CONSULTANTS



**Stephen Wade
Remodeled and
Adding of the
Existing Toyota to a
Chevrolet/Cadillac
Dealership**

1700 South Hilltop Drive
St. George, Utah 84770

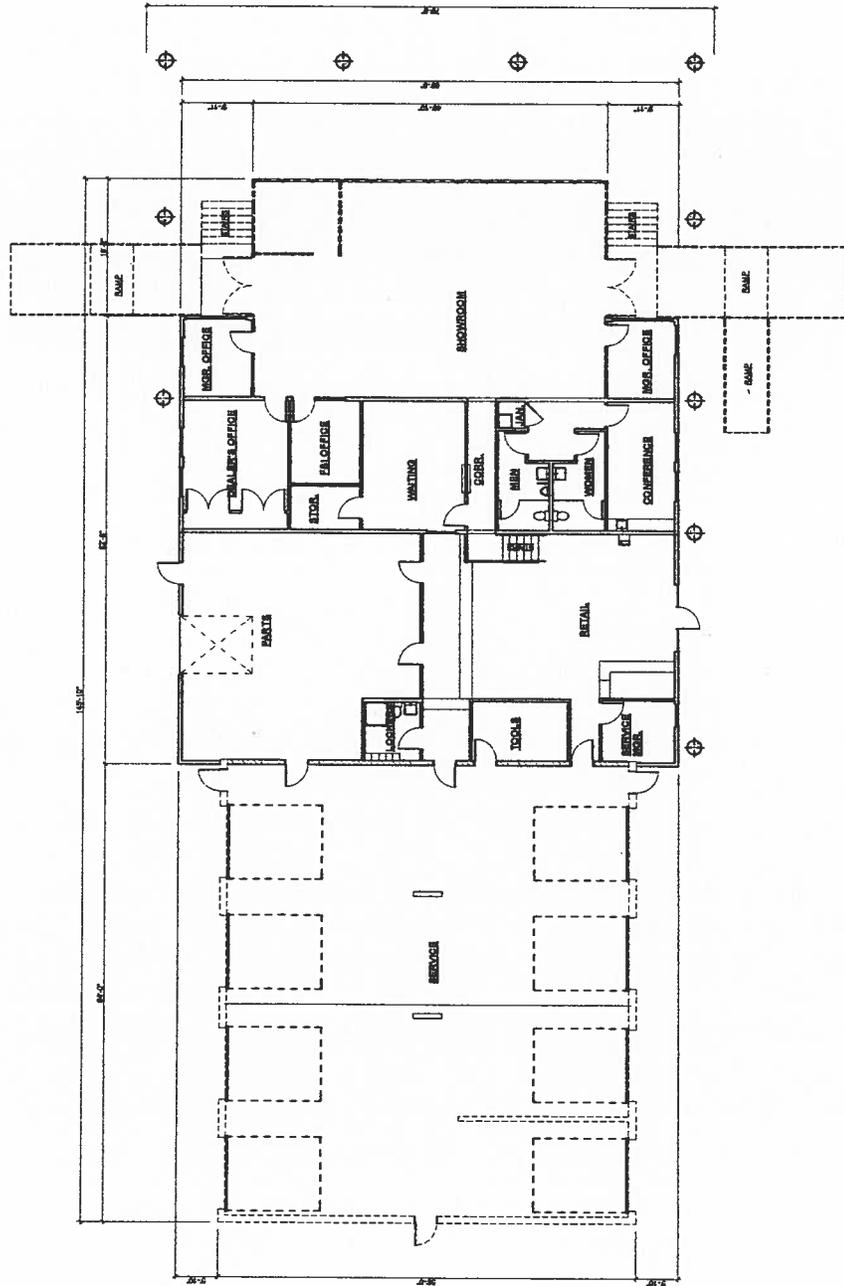
Stephen Wade Auto Center
150 West Hilltop Drive
St. George, Utah 84770

MARK	DATE	DESCRIPTION
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3	11/17/2013	CHECKED BY:
4	11/17/2013	COPYRIGHT

DATE: 11/17/2013
PROJECT NO: 13UC001
DRAWN BY: W.D.W.
CHECKED BY:
COPYRIGHT

SHEET TITLE
DEMOLITION PLAN

A-101
SHEET 2 OF 8



DEMOLITION FLOOR PLAN

PCR ITEM 5

HILLSIDE REVIEW BOARD AGENDA REPORT:	03/20/2013 (Tabled)
HILLSIDE REVIEW BOARD AGENDA REPORT:	04/17/2013 (Tabled for Rock Fall Hazard Rpt)
HILLSIDE REVIEW BOARD AGENDA REPORT:	05/15/2013 (No quorum)
HILLSIDE REVIEW BOARD AGENDA REPORT:	05/24/2013 (Special meeting at City)
PLANNING COMMISSION AGENDA REPORT:	05/28/2013
CITY COUNCIL MEETING:	06/06/2013

HILLSIDE DEVELOPMENT PERMIT: Case No. 2013-HS-002
Kachina Cliffs Phase 3

Background:

March 20th HSRB

This Item was heard and a motion was made to approve the drainage design and the removal of insignificant non-contiguous hills and outcroppings (see contour map). However, the board tabled any further action or discussion on the subdivision layout and design for lack of a rock fall hazard report. Thus, the meeting was tabled to allow the applicant time to prepare a rock fall hazard report and return to a future hillside meeting.

April 17th HSRB

The applicant returned with a Rock Fall Hazard Report, but the HSRB asked to have it revised to include specific proposed mitigations for rock fall.

May 9th Rock Fall Report

On May 9th the Rock Fall Hazard report was revised to include specific mitigations.

May 15th HSRB

The hillside board was invited to attend a meeting at the City Offices to review the revised Rock Fall Hazard Mitigation Report – however a quorum could not be gathered and the meeting did not occur.

May 24th HSRB

A special hillside meeting was held at the City on Friday May 24th to discuss the revised Rock Fall Hazard Mitigation Report. As a result the board made a recommendation for approval with comments and conditions (see last page of this report).

May 28th PC

The PC heard the hillside permit.

Request:

This is a request for a Hillside Development Permit for a proposed residential subdivision.

Project Overview:

A proposed single family residential development to create thirty-three (33) single family residential lots to be called “Kachina Cliffs Phase 3.

- Location:** This project is located west of the Desert Reserve. Existing residential development is located to the north (Kachina Cliffs Phase 2) and to the west (Kachina Springs East Phase 3) and the City fishing pond/park to the south.
- Submittal:** Horrocks Engineering has submitted a narrative, aerial map, slope analysis map, grading plan, cross sections, drainage report, and geotechnical report.
- Applicant:** Henry Walker Homes
- Representative:** Mr. Scott Duffin
Horrocks Engineers
285 W Tabernacle Drive, Suite 300
St George, Utah 84770
- Area:** 23 acres.
- Current Zone:** PD-R (Planned Development Residential). Located within the Entrada Planned Development.
- Narrative:** See attached narrative.
- Comments:** Section 10-13A-6:A requires that all major development (i.e, cut greater than 4', etc.) on slopes above 20% requires a 'hillside development permit' granted by the City Council upon recommendation from the Hillside Review Board and the Planning Commission.
- Previously this subdivision went through a hillside review in 2006 and was approved.
- The "No Disturb" area appears to be the same (or very similar) to the "No Disturb" areas on the 2006 plan. The main issue for the hillside board is to make a finding that the small ravines are not part of the contiguous hillside and can therefore be omitted from the site disturbance limitations.
- Drainage has been addressed to the satisfaction of the hillside board.
- The applicant returned with a revised rock fall hazard report with mitigations which the hillside board supports.

HSRB: It is recommend to approve the drainage design and the removal of insignificant non-contiguous hills and outcroppings (see contour map) as recommended by the Hillside Board on March 20th and to approve the rock fall mitigation subject to;

The Hillside Review Board met on Friday May 24th and reviewed the revised 'Rock Fall Hazard Mitigation' report dated May 9, 2013. After discussion, the following motion was made:

The hillside board recommends approval of the rock fall mitigation plan as presented and to condition the hillside permit to require legal access to maintain the drainage system. That staff will ensure this is addressed on the Final Plat and in the construction plans and that the side slope shall not exceed 3:1 (as depicted). All development shall stay out of the "Rock Fall Run-out Boundary" zone (as depicted in Figure 1). The developer shall construct a trench/ditch behind lots 30 and 31 (see detail in mitigation report and cross sections) and add additional boulders to mitigate rock fall potential.

P.C.: The Planning Commission recommends approval with the Hillside Review Board's comments and conditions (above).

Hillside Application Narrative

Kachina Cliffs Phase 3

March 5, 2013

The purpose of this narrative is to provide background and context information for this hillside application, while providing a brief summary of the general approach and intent for this proposed development.

Background:

An initial Hillside application prepared by Viewpoint Engineering Associates was submitted in 2006 for the subject property. The initial plan consisted of 26 homes on approximately 1/2 acre lots or larger. The grading plan for the 2006 submission only showed proposed roadway grading. Grading and drainage on each individual lot would be worked out on a case-by-case basis as the lots were developed. A reasonable no-disturb area was proposed along the northern and eastern edges of the boundary. It appears from review of documents obtained from the City that the initial hillside application was approved by the City Council on August 17, 2006. The applicant subsequently continued with a preliminary plat application with intentions to move forward with the development. However, due to the economic downturn the project was stopped. For reference, see figure 1 of the original Hillside submission plan which shows the original no-disturb limits:

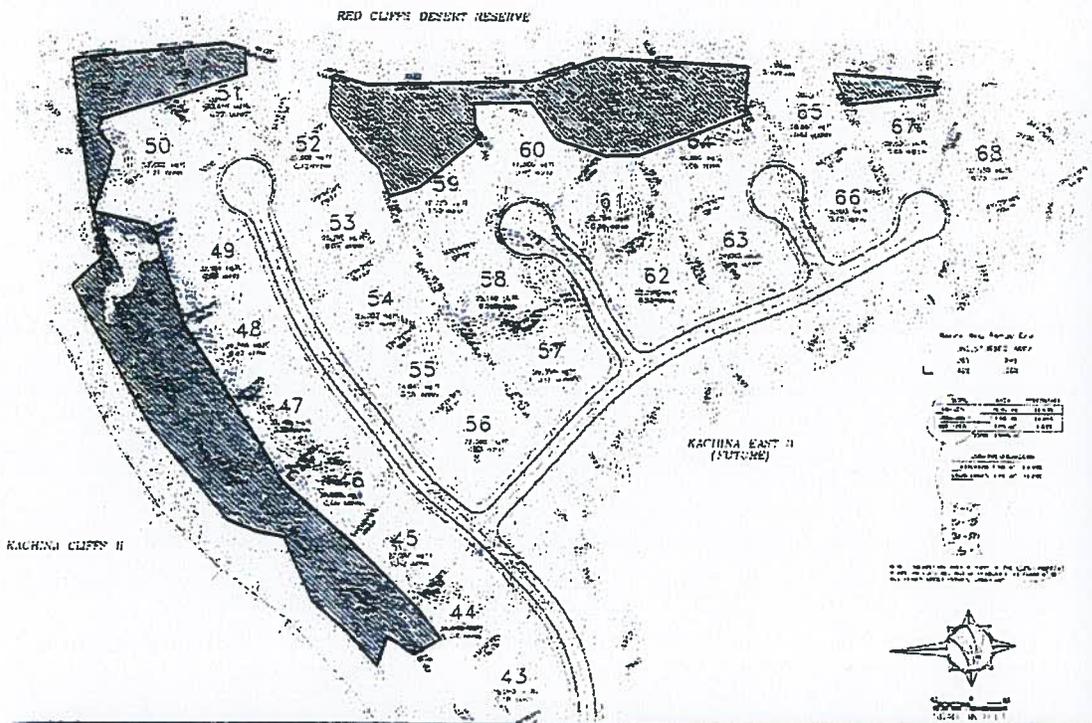


Figure 1: Original Hillside Application Plan and "No-Disturb" Area

RECEIVED
MAR 05 2013
BY: PS

Current Application:

Henry Walker Homes has entered in an agreement to purchase this property from Kachina Development Company, Inc. Henry Walker Homes is proposing 33 single family homes on this parcel. The minimum lot size of the new plan is roughly 1/3rd of an acre or larger, with the actual building area encompassing approximately 4,800 s.f. This is consistent with the original unit count shown on the approved Entrada PD. Two initial planning staff meetings were held to review the preliminary concepts by Henry Walker Homes and initial feedback was received. At the initial planning staff meeting, it was requested that Henry Walker Homes re-analyze the slopes based on the updated Hillside ordinance requirements. An updated slope map based on the original Viewpoint Engineering topography was presented to the Planning Staff at the 2nd meeting. The Planning Staff requested that the updated land plan be taken back to the Hillside Review Board for an updated look at the new proposed land plan and grading activities.

The original topography from the 2006 Hillside application was used as the basis for the slope analysis. Since the original application the Hillside regulations have changed such that the slope categories are slightly different. The slope map contained with this application represents the best effort to capture these new slope categories as best as the ordinance can be interpreted. As acknowledged at one of the Planning Staff Review meetings, there is a reasonable case to be made that much of the area that is being shown as included in a specific slope category per the current application, may in fact be excluded as recognized by Hillside Ordinance section 10-13A-5: *Slope and Slope Areas Determined*, which states that:

Small washes or rock outcrops which have slopes distinctly different from surrounding property and not part of the contiguous topography may be excluded from slope determination if, in the opinion of the Hillside Review Board, the exclusion of such small areas from slope determination will not be contrary to the overall purpose of this article.

Based on the above, it is believed that the particular slope bands that are being shown on the Hillside plans as partially disturbed may in fact be not considered as part of the hillside restricted area. The site visit by the Hillside Review Board will be integral to making this determination.

The updated land plan follows the original plan fairly closely in terms of street layout, location and grading. Since the lots are somewhat smaller than the lots on the 2006 plan, and in conjunction with the proposed building size, it was determined to pad out the lots as opposed to grade each lot one at a time. This will enable Henry Walker to control drainage up front and will ensure a uniform approach to grading. The approach to each lot is to provide a minimum building area (4,800 s.f.) plus approximately 30' in the rear and 20' on one side of the dwelling to allow some useable area for the future home owners, while generally allowing a portion of each lot to be preserved. This is what the current grading plan shows. However, per the Entrada development guidelines, each home in this phase of the development must be a custom home. This opens up the opportunities to further refine the proposed grading to integrate more closely with the existing terrain with optional enhancements such as:

- Utilizing rear or side-oriented walk-out basements to minimize the use of rock retaining walls.
- Adjustments to the size and dimension of each building pad to fit the circumstances of each lot.
- Integrate landscaping and drainage elements to retain the natural look and feel of the property.

The Entrada Development Committee will need to sign off on the grading and drainage for the community.

A detailed preliminary drainage study accompanies this application. This study acknowledges the potential for offsite flows, and sets forth an initial plan to provide for the safe conveyance of these waters through the site. Opportunities exist to integrate the offsite flows into the lots through which the drainage passes in an aesthetically pleasing and natural way.

The grading and drainage plan for this application shows two pipes discharging into the existing drainage swale to the north of the development. The purpose of these pipes is to try to funnel drainage water to natural swales as quickly as possible as opposed to piping them from the top of the project to the detention basin. The proposed pipe locations help to minimize downstream flooding risk by removing drainage from the project closer to the upstream source of drainage. The swale to which these pipes discharge flows directly to the detention basin where peak attenuation of the flows will occur. It should be noted that the eastern most discharge pipe is located in the "No Disturbance" area. The intent is to install the drainage outfall pipe and then restore the grade and vegetation to the existing conditions if the Hillside Review Board will allow this to occur.

The 2006 Hillside application established a no-disturb zone. This updated application has established a new no-disturb zone to accommodate the land plan. Where practical, the original no-disturb zone has loosely been followed, and an attempt has been made to keep the no-disturb areas roughly equal. So whereas some of the homes on the northern side of the development encroach further into this no-disturb zone, a deliberate effort has been made to compensate for this by extending the no-disturb zone substantially to the west at the middle and southern portions of the project.

Other Miscellaneous Application Check List Notes:

- Lot size / density is per the approved Entrada Planned Development
- It is anticipated that the project earthwork will be balanced which will require no export of material. Native rock encountered during excavation will be used in the proposed drainage swales and rock walls as deemed suitable by the Geotechnical Engineer.
- Earthmoving activities will commence as soon as construction drawings are approved. The project will consist of three phases. The location and size of each phase will be presented on the preliminary plat. Timing for each phase is dependent on the market conditions.
- A landscape & vegetation plan may be developed during the construction plans which would be subject to approval by the Entrada Development Committee.

- The street slopes may change slightly as the applicant value engineers the site moving forward. In no case will the street slopes exceed those allowed by the Hillside ordinance. These value engineered enhancements will be reflected in the construction drawings.

The applicant and applicant's engineer look forward to a site visit with the Board to discuss the above and/or any other concerns that may need to be addressed. Let the applicant know if any site surveying is required to delineate certain site plan features prior to the Hillside Review Board site meeting.

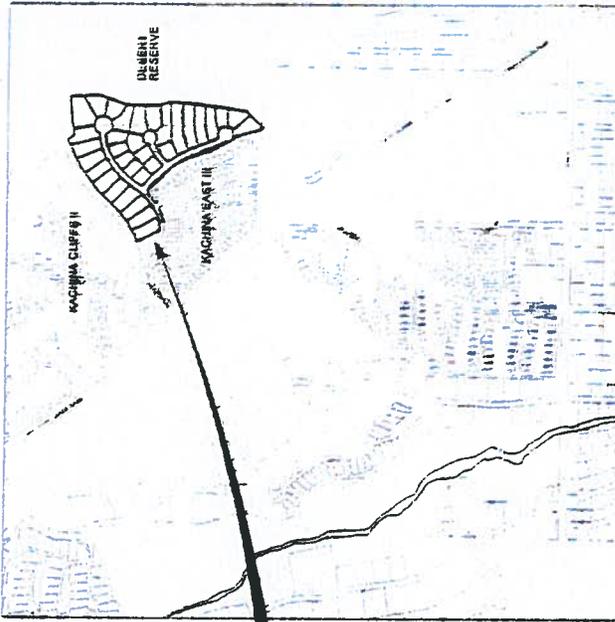
KACHINA CLIFFS - PHASE 3

HILLSIDE PLANS

LOCATED IN ST. GEORGE, UT.

SHEET NO. 1

SHEET #	CHANGING #	INDEX TO SHEETS	DESCRIPTION
1	100	100	COVER SHEET
2	SP-1	SP-1	SITE PLAN
3	SP-2	SP-2	SLOPE MAP
4	GP-1	GP-1	GENERAL PLAN
5	GP-2	GP-2	GENERAL PLAN
6	PP-1	PP-1	PLAN AND PROFILE - ROAD A
7	PP-2	PP-2	PLAN AND PROFILE - ROAD A
8	PP-3	PP-3	PLAN AND PROFILE - ROAD B
9	PP-4	PP-4	PLAN AND PROFILE - ROAD B
10	PP-5	PP-5	PLAN AND PROFILE - ROAD C



VICINITY MAP
SCALE 1" = 600'

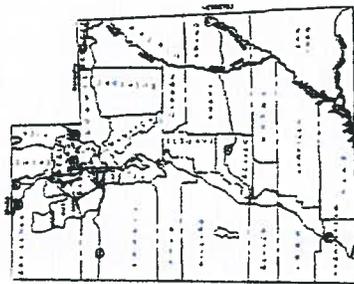
APPLICANT
 KACHINA DEVELOPMENT SOUTH LLC
 1000 WEST 1000 SOUTH
 ST. GEORGE, UT 84770

PROPERTY OWNER
 KACHINA DEVELOPMENT COMPANY, INC.
 1000 WEST 1000 SOUTH
 ST. GEORGE, UT 84770



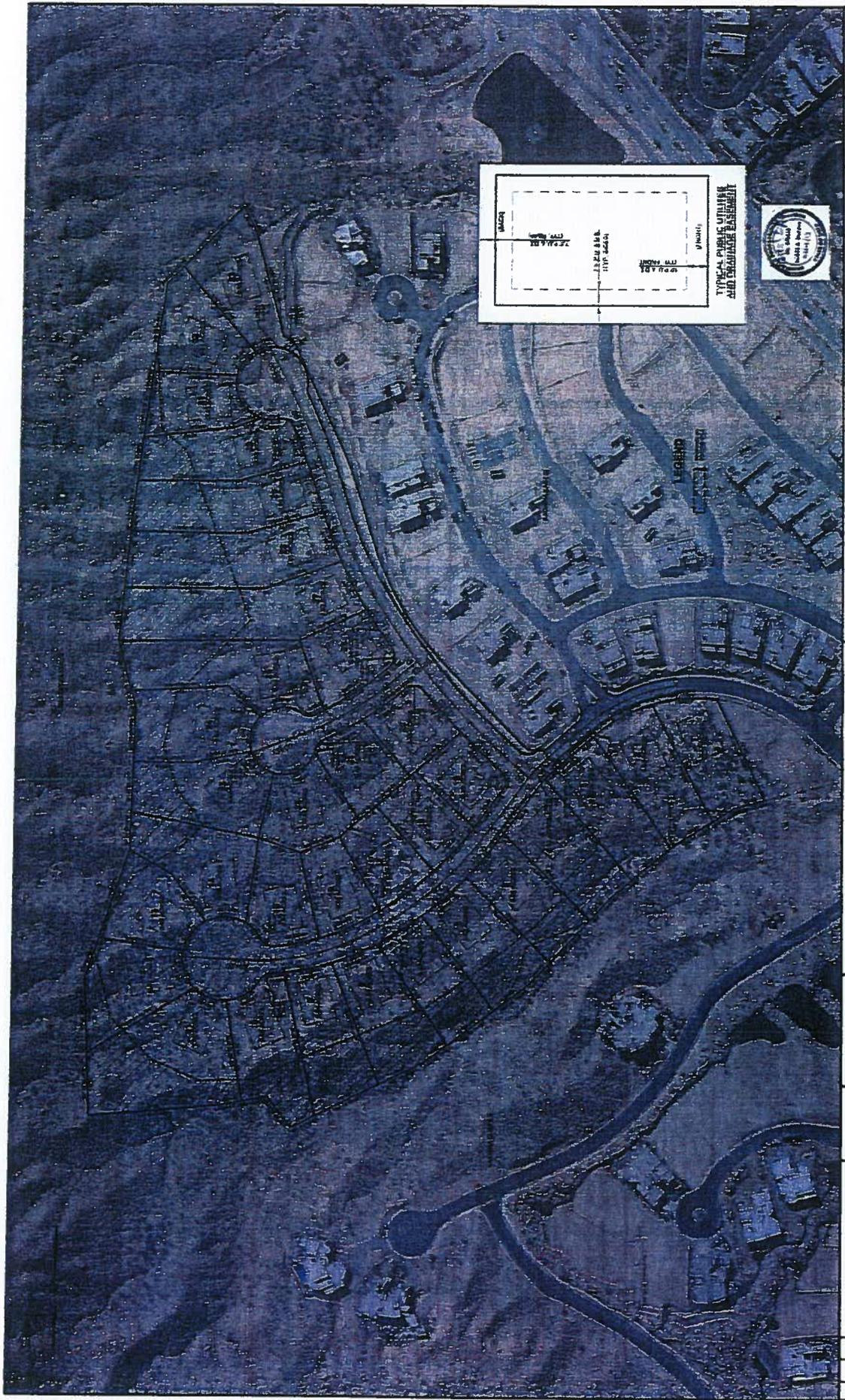
HORROCKS

ENGINEERS



PROJECT LOCATION

PROJECT LOCATION

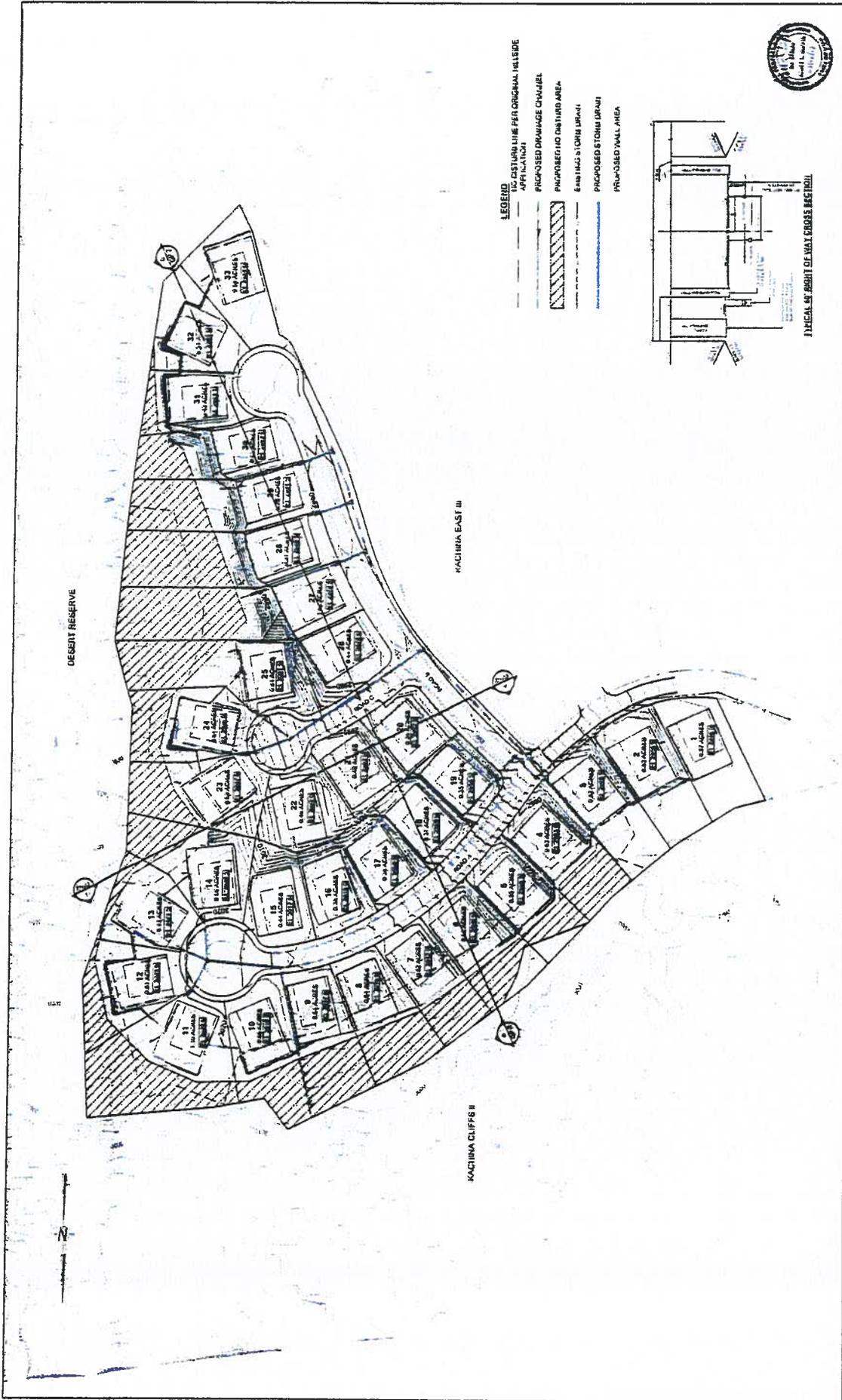


SCALE 1" = 80' (SEE NOTE)		WARNING 0 THESE MAY BE AS-BUILT MEASUREMENTS DRAWING IS NOT TO SCALE		HORROCKS E N G I N E E R S		445 SOUTH SLIP STREET SUITE 601 ST. GEORGE, UT 84770 PH: 435 769 7000		Kachina Cliffs Phase 3 SITE PLAN		CLIENT: KACHINA DESIGN: 03/20/2013 DATE: 03/20/2013 SHEET: 2 OF 10 DRAWING: 03/20/2013 SHEET: 03/20/2013	
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TYPICAL PUBLIC UTILITIES AND ENGINEERING ELEMENTS

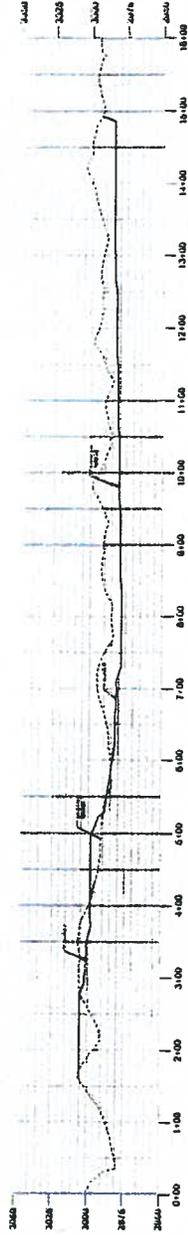
SEWER
 WATER
 ELECTRIC
 GAS



<p>HORROCKS ENGINEERS</p> <p>1400 SOUTH BLUFF STREET SUITE 101 GEORGE WYOMING PHOENIX, AZ 85004</p>		<p>Kachina Cliffs Phase 3</p> <p>GRADING PLAN</p>		<p>DATE: 04/22/13</p> <p>BY: DRA/2013</p> <p>SCALE: AS SHOWN</p>	<p>PROJECT NO: 04320013</p> <p>DATE: 04/22/13</p> <p>BY: DRA/2013</p> <p>SCALE: AS SHOWN</p>	<p>DATE: 04/22/13</p> <p>BY: DRA/2013</p> <p>SCALE: AS SHOWN</p>								
<p>WARNING</p> <p>IF THIS DRAWING DOES NOT MEASURE 2" THEN DRAWING IS NOT TO SCALE</p>		<p>SCALE</p> <p>HORIZONTAL: 1" = 40'</p> <p>VERTICAL: NONE</p>		<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>			NO.	DATE	BY	DESCRIPTION				
NO.	DATE	BY	DESCRIPTION											

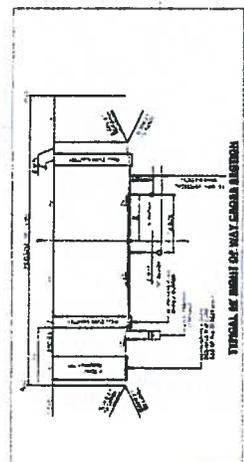
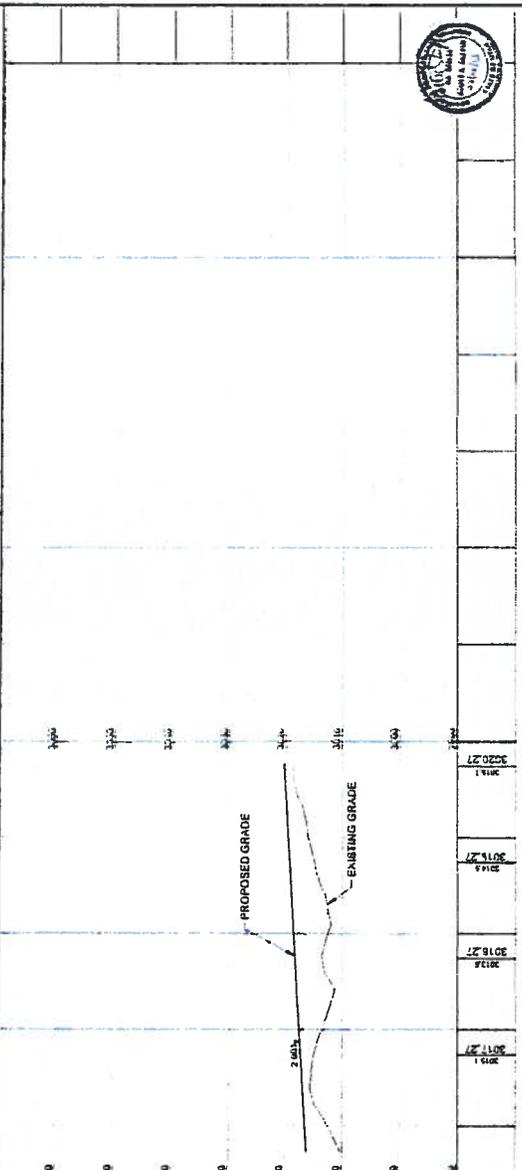
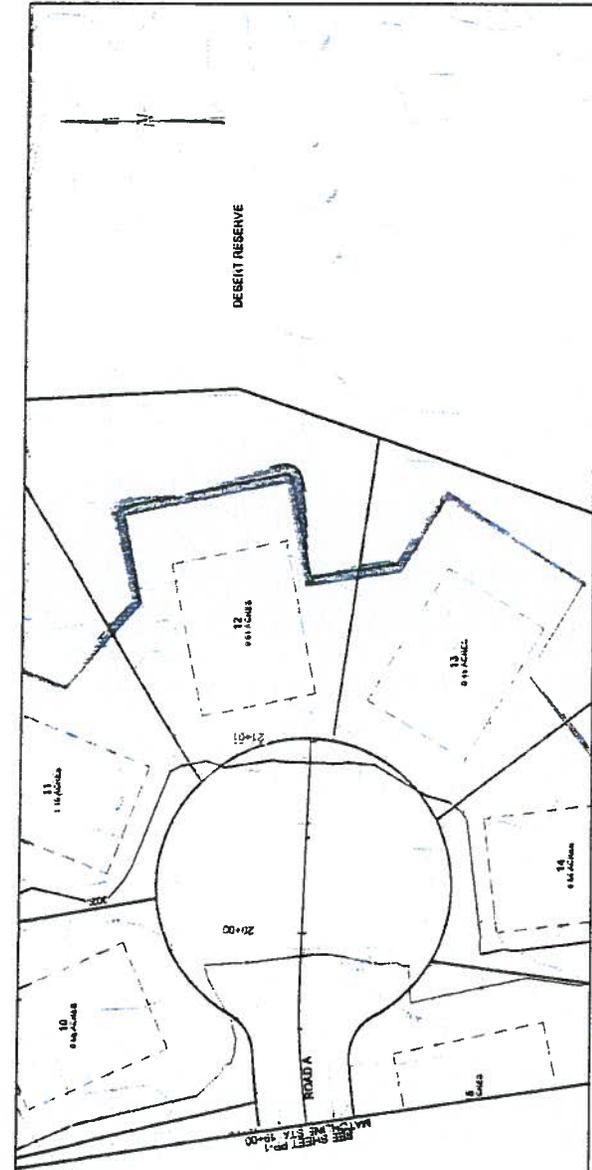


CROSS SECTION A-A
 1" = 40' HORIZONTAL
 2" = 10' VERTICAL



CROSS SECTION B-B
 1" = 40' HORIZONTAL
 2" = 10' VERTICAL

WARNING 0 IF THIS BAR DOES NOT DRAWING IS NOT TO SCALE		SCALE HORIZONTAL 1" = 40' VERTICAL 2" = 10'	REVISIONS NO. DATE BY	HORROCKS ENGINEERS 5500 UNIVERSITY AVENUE SUITE 101 ST. GEORGE, UT 84770 (435) 636-7800	Kachina Cliffs Phase 3 CROSS SECTIONS	SHEET NO. 540 DATE 03/04/2011 DRAWN BY 0404/11	PROJECT NO. SC-077-131 ROAD No. 5, 6, 10 DRAWING NO. GP-2
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<p>WARNING</p> <p>0 1/2</p> <p>IF THIS BAR DOES NOT</p> <p>DRAWING IS NOT TO SCALE</p>		<p>SCALE</p> <p>1" = 30'</p> <p>1" = 10'</p>		<p>HORROCKS ENGINEERS</p> <p>400 SOUTH BUFF STREET</p> <p>ST GEORGE UT 8470</p> <p>(435) 766-7666</p>		<p>KACHINA CLIFFS PHASE 3 PROJECT</p> <p>PLAN & PROFILE - ROAD A</p>		<p>DATE: 08/02/13</p> <p>BY: [Signature]</p> <p>CITY: [Signature]</p> <p>SCALE: 8-A0</p>		<p>PROJECT: 08-471 (30)</p> <p>DATE: 08/13/13</p> <p>DATE: 7-2-10</p> <p>DATE: 08/08/13</p> <p>PP-2</p>	
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ROCK FALL MITIGATION

AGEC

Applied GeoTech

May 9, 2013

Henry Walker Homes
1173 South 250 West, Suite 503D
St. George, Utah 84770

Attention: Tyler Myers

Subject: Rockfall Hazard Mitigation ←
Kachina Cliffs, Phase 3
St. George, Utah
Project No. 2130068

- References:
1. "Hillside Review, Geologic Hazard Assessment and Geotechnical Investigation, Kachina Cliffs, Phase 3", prepared by Applied Geotechnical Engineering Consultants, Inc., project No. 2130068, dated March 6, 2013.
 2. "Rockfall Hazard Assessment, Kachina Cliffs, Phase 3", prepared by Applied Geotechnical Engineering Consultants, Inc., project No. 2130068, dated April 15, 2013.

Gentlemen:

Applied Geotechnical Engineering Consultants, Inc. (AGEC) was requested to evaluate rockfall hazard mitigation for Kachina Cliffs, Phase 3 located in St. George, Utah.

PROPOSED CONSTRUCTION/ANTICIPATED CONDITIONS

We understand the property is planned to be subdivided into a 33 lot residential subdivision. Based on a review of the above referenced report, the subsurface conditions likely consist of surficial site grading fill overlying relatively shallow sandstone bedrock.

ROCKFALL EVALUATION

Rockfall evaluation was previously provided in Reference No. 2 above.

PROPOSED ROCKFALL HAZARD MITIGATION

Based on a review of Reference No. 2 by the City of St. George Hillside Review Board at a meeting held on-site, Wednesday April 17, 2013, AGECE was requested to provide evaluate rockfall hazard mitigation alternatives which could be considered to reduce the potential likelihood of rockfall runout onto the proposed building pads.

On April 30, 2013, engineers from AGECE conducted additional evaluation of the past rockfall. Upon further review, it was determined that the approximate rockfall runout boundary line previously provide on Figure 1 of Reference No. 2, could be altered slightly. The updated approximate rockfall runout boundary line is shown on Figure 1 of this letter.

Upon reviewing the updated approximate rockfall runout boundary line (Figure 1), rough site staking by Horrocks Engineers, and our analysis of the information provided in Reference No. 2, the project design team determined that the preferred rockfall hazard mitigation alternative would be to construct a trench/ditch behind lots 30 and 31 as shown on the attached pages 1 of 2 and 2 of 2 prepared by Horrocks Engineers. Based on our analysis of the information indicated in Reference No. 2 it was determined that the trench/ditch should be constructed at least 8 feet deep and approximately 10½ feet wide at the base. The trench sidewalls should be constructed with ¼:1 (Horizontal : Vertical) sidewalls.

On Friday May 3, 2013, engineers from AGECE met on-site with David Black, P.E. of Rosenberg Associates (and Hillside Review Board member) to present and discuss the design team alternatives. During our visit, Mr. Black provided the following items for consideration:

1. Provide a flatter access point at the north end of the ditch/trench to allow for pedestrian access out of the trench.
2. Place additional boulders adjacent to the south of the existing boulder near the top of the northeast corner of the proposed cut slope on lot 31.

The above mentioned items have been included in the rockfall mitigation plans prepared by Horrocks Engineers, shown on pages 1 of 2 and 2 of 2 (attached). The remaining lots do not include grading within the runout zone.

DRAINAGE

Based on discussions with the civil engineer, it is our understanding that drainage, including the addition of the rockfall mitigation ditch/trench, will be addressed in the final drainage study to accompany the construction drawings.

LIMITATIONS

This letter has been prepared in accordance with generally accepted geotechnical and geologic engineering practices in the area for the use of the client. The conclusions and recommendations included within the letter are based on the referenced report and letter, conditions observed during our field study and review of aerial photographs. If conditions are found to be significantly different from those described in this letter and subsequent reports/letters, we should be notified to reevaluate the recommendations given.

If you have any questions or if we can be of further service, please call.

Sincerely,

APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.

Jared Hanks, P.E.



Rev. by: GWR, P.E.

JH/sd P:\2013 Project Files\2130000\2130068 - Kachina Cliffs Ph 3 Update\2130068 Rockfall Hazard Mitigation.wpd

Enclosures

cc: City of St. George - Ray Snyder
City of St. George - Hillside Review Board, c/o Ray Snyder
Horrocks Engineers - Scott Duffin, P.E.




 Approx. rockfall runoff boundary

WARNING THIS PLAN AND THE INFORMATION CONTAINED HEREIN ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER ACTION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION.		HORROCKS ENGINEERS		2020 KACHINA CLIFFS PHASE 3 APPROXIMATE ROCKFALL RUNOUT BOUNDARY	
DATE	SCALE	PROJECT	CLIENT	DESIGNED BY	DATE



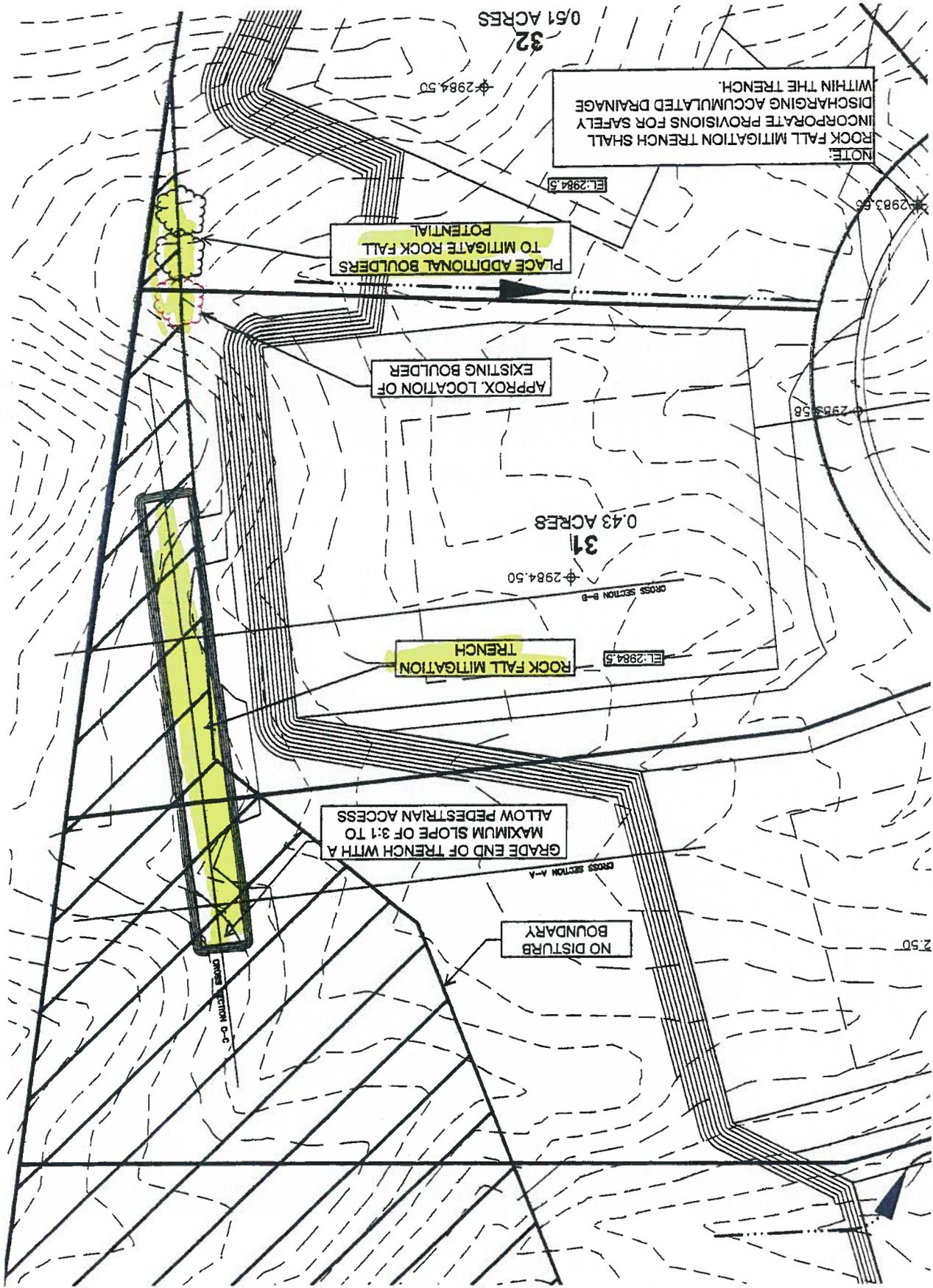
Approx. scale 1" = 238'

2130088



Kachina Cliffs, Phase 3 Approximate Runout Zona

Figure 1



NOTE:
 ROCK FALL MITIGATION TRENCH SHALL
 INCORPORATE PROVISIONS FOR SAFELY
 DISCHARGING ACCUMULATED DRAINAGE
 WITHIN THE TRENCH.

PLACE ADDITIONAL BOULDERS
 TO MITIGATE ROCK FALL
 POTENTIAL

APPROX. LOCATION OF
 EXISTING BOULDER

ROCK FALL MITIGATION
 TRENCH

GRADE END OF TRENCH WITH A
 MAXIMUM SLOPE OF 3:1 TO
 ALLOW PEDESTRIAN ACCESS

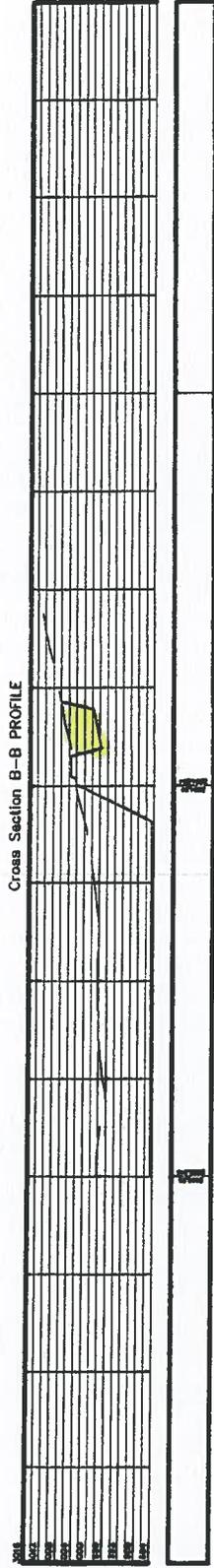
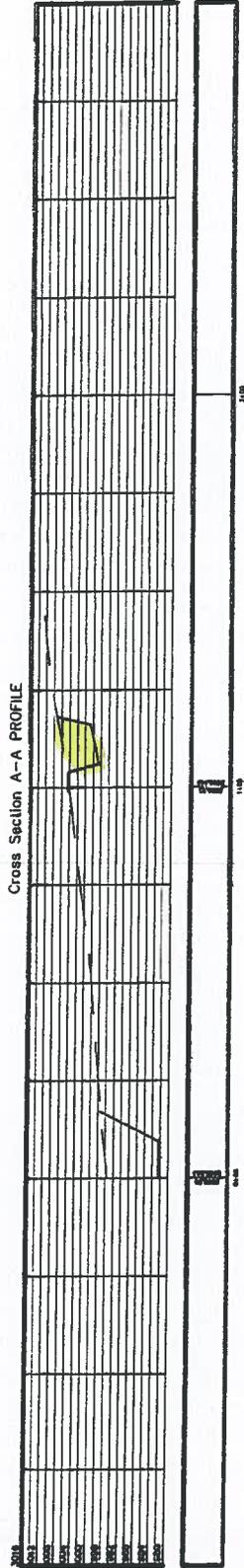
NO DISTURB
 BOUNDARY

ROCK FALL MITIGATION PLAN
KACHINA CLIFFS PHASE III
 PLAN VIEW

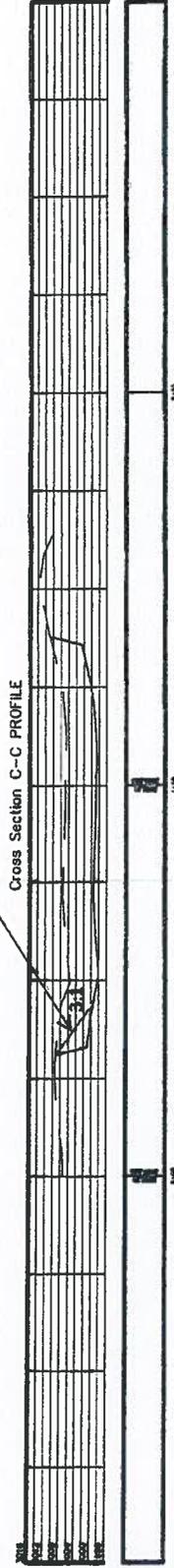
1"=20'
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**ROCK FALL MITIGATION PLAN
KACHINA CLIFFS PHASE III
CROSS SECTIONS**

1"=30'



GRADE END OF TRENCH WITH A
MAXIMUM SLOPE OF 3:1 TO ALLOW
PEDESTRIAN ACCESS



PCR ITEM 6A

CUP / Garage Height

PLANNING COMMISSION AGENDA REPORT: 05/14/2013
(Tabled – at applicant’s request)
PLANNING COMMISSION AGENDA REPORT: 05/28/2013
CITY COUNCIL MEETING: 06/06/2013

CONDITIONAL USE PERMIT Case No. 2013-CUP-008

Request: To construct a detached residential garage. The height will exceed the allowable building height of fifteen feet (15’), unless a conditional use permit is granted for a greater height.

Property: The subject residence is at: 538 Los Alamitos Drive

Applicant: Mr. Charles James
538 Los Alamitos Drive
St. George, Utah 84790

Zoning: R-1-10 (Single-Family Residential – 10,000 s.f. minimum lot size)

Ordinance: The Title 10, Chapter 7B “Modifying Regulations,” Section 10-7B-6(B)(7) reads: “*Detached Garages and accessory building shall be limited to an overall height of fifteen feet (15’) for pitched roofs...unless a Conditional Use Permit is granted for a greater height*”. This structure will be ± ~~twenty feet (20’)~~ seventeen feet six inches (17’-6”) in height, thus necessitating the purpose of this conditional use permit request.

Adj. Land: Single-family residences Tabled

P.C. At the Planning Commission meeting the applicant responded to concerns of other residents regarding setbacks and height and volunteered to downsize the garage in both height and square footage. At the City Council revised plans are anticipated to be presented. Basically the height will be reduced to approximately 17’-6” (instead of 20’) and the garage will become a three (3) car (not four (4) as originally proposed). As a result, the applicant is hoping to still obtain approval for five foot (5’) setbacks at the rear and side yard.

The following are the suggested conditions and findings.

1. **Location:** The proposed ~~four~~ three car detached garage will be located in the rear yard thirty-one feet (31’) from the main dwelling and five feet (5’) from the side and rear property lines.

2. **Easements;** The proposed structure will encroach onto City easements and will require a JUC (Joint Utilities Committee) review prior to construction.
3. **BACC;** Mr. James has discussed the plans with the Bloomington Architectural Control Committee (BACC). Staff has spoken with Mr. Kruger of the BACC and he indicated that their approval of the proposed structure is contingent on approval from the City Council. He recommended to Mr. James that the exterior finish materials match the existing home.
4. **Narrative;** The applicant has provided a short narrative (see attached).
5. **Exterior Finish;** Mr. James has indicated in his narrative that the detached garage will have similar finishes as the existing home and colors even though the plans do not indicate those finishes.
6. **GIS – SF;** Staff has verified in GIS that the rear yard has 10,041 sq.ft. The proposed garage will be 2,160 sq.ft. (square footage to be revised and presented to council) in area. This results in ± 21% rear lot coverage (to be revised).
7. **Setbacks;** Originally staff recommended the setbacks be ten feet (10') and not the five feet (5') requested by the applicant. This was recommended as a result of neighbors concern over the size the structure, however if the height and size is reduced to the satisfaction of the council the setbacks of five feet (5') are satisfactory.

Findings: The following standards must be met to mitigate the reasonably anticipated detrimental effects **if imposed** as a condition of approval:

Yes	N/A	Category	Description
	N/A	A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
	N/A	B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.

	N/A	C. Odors	<p>1. Comply with all air quality standards, state, federal and local.</p> <p>2. Use shall not create unusual or obnoxious odors beyond the property line.</p>
The garage will have similar finish materials as the existing home as per the applicant's narrative.		D. Aesthetics	<p>1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.</p>
	N/A	E. Safety	<p>1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rock fall, erosion, flooding, fire, hazardous materials, or related problems.</p> <p>2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.</p>
	N/A	F. Traffic	<p>1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D".</p> <p>2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.</p>
The detached garage will be approximately 20' feet in height.		G. Height	<p>1. Buildings shall fit into the overall context of the surrounding area.</p> <p>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.</p>
	N/A	H. Hours of Operation	<p>1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.</p>

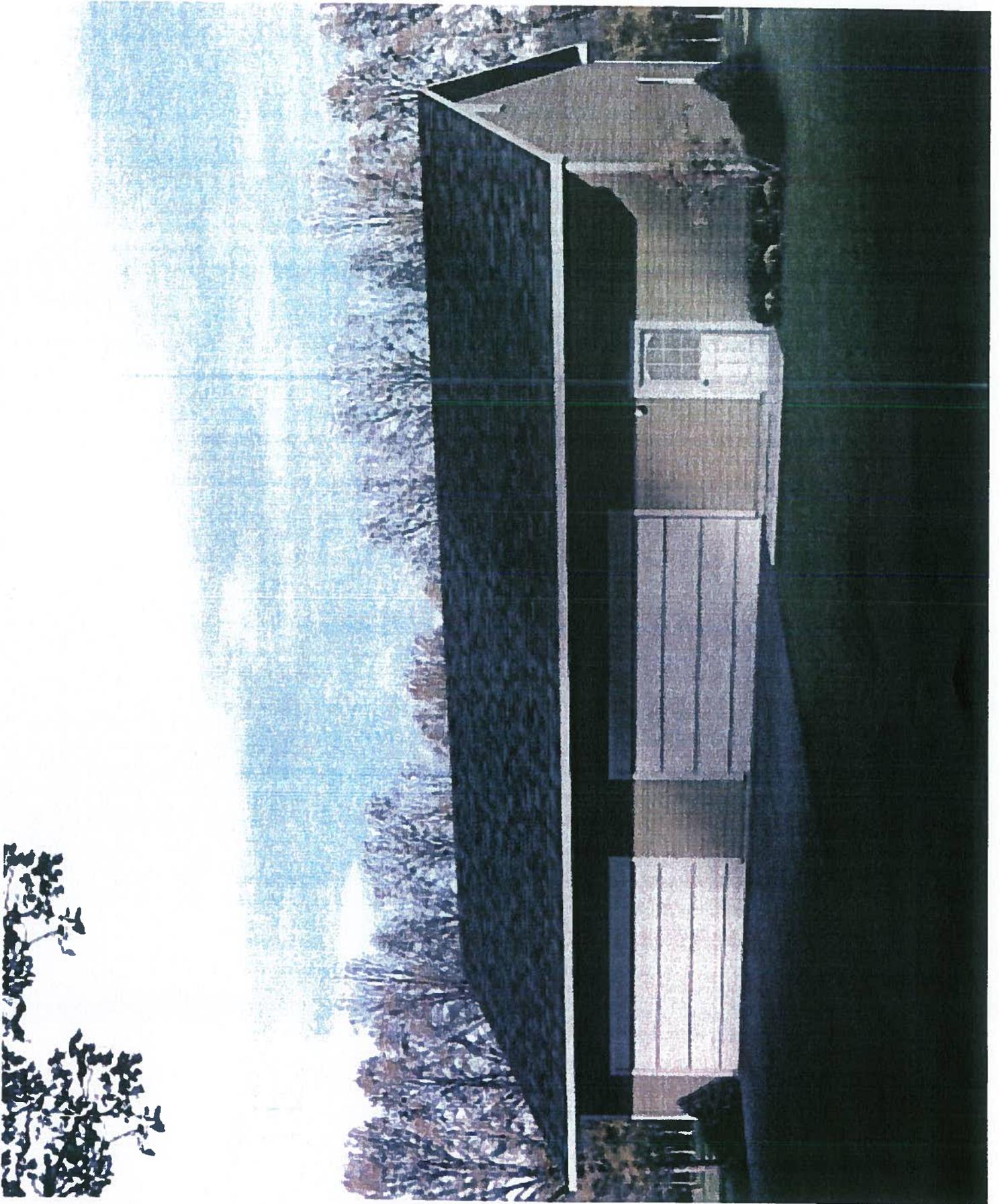
	N/A	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.
A detached garage is within the existing character of the zone. A garage of this height is not unusual for this zone; however, the size (2,160 s.f.) generally may not be within the character of the zone, but it may be within the character of the subdivision (Bloomington Ranches).		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
	N/A	K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

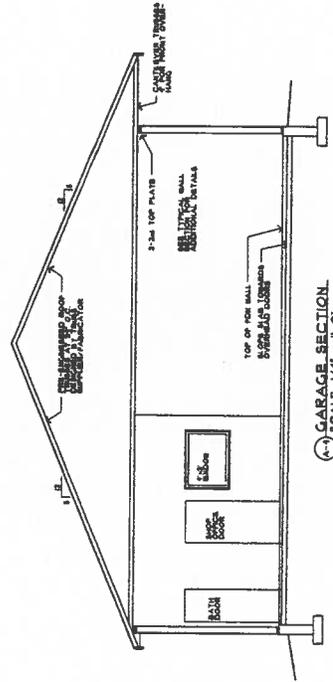
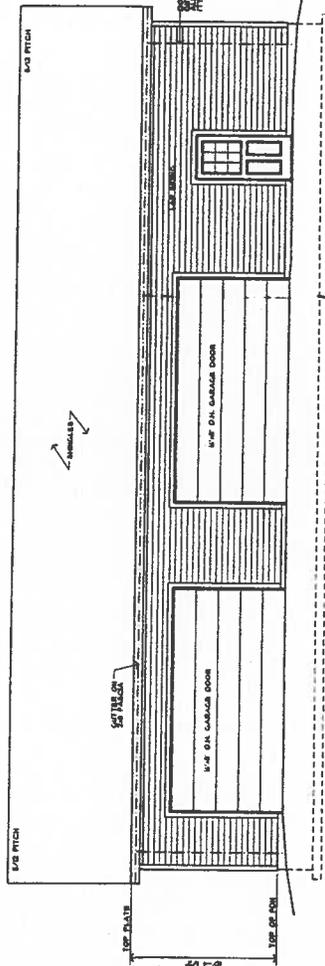
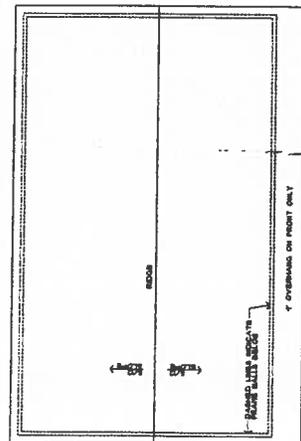
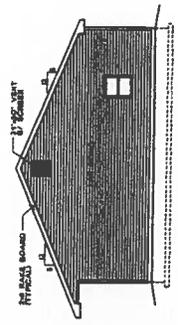
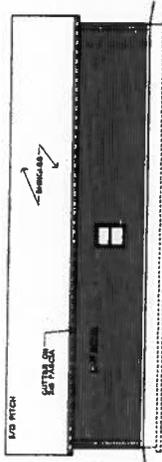
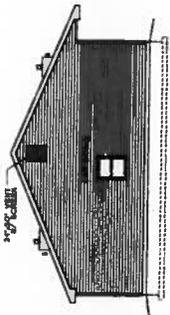


James Residence - 538 W. Los Alamitos

Made by the City of St. George GIS Department
SGCityMaps - <http://maps.sgcity.org/sgcitymaps>

May 7, 2013

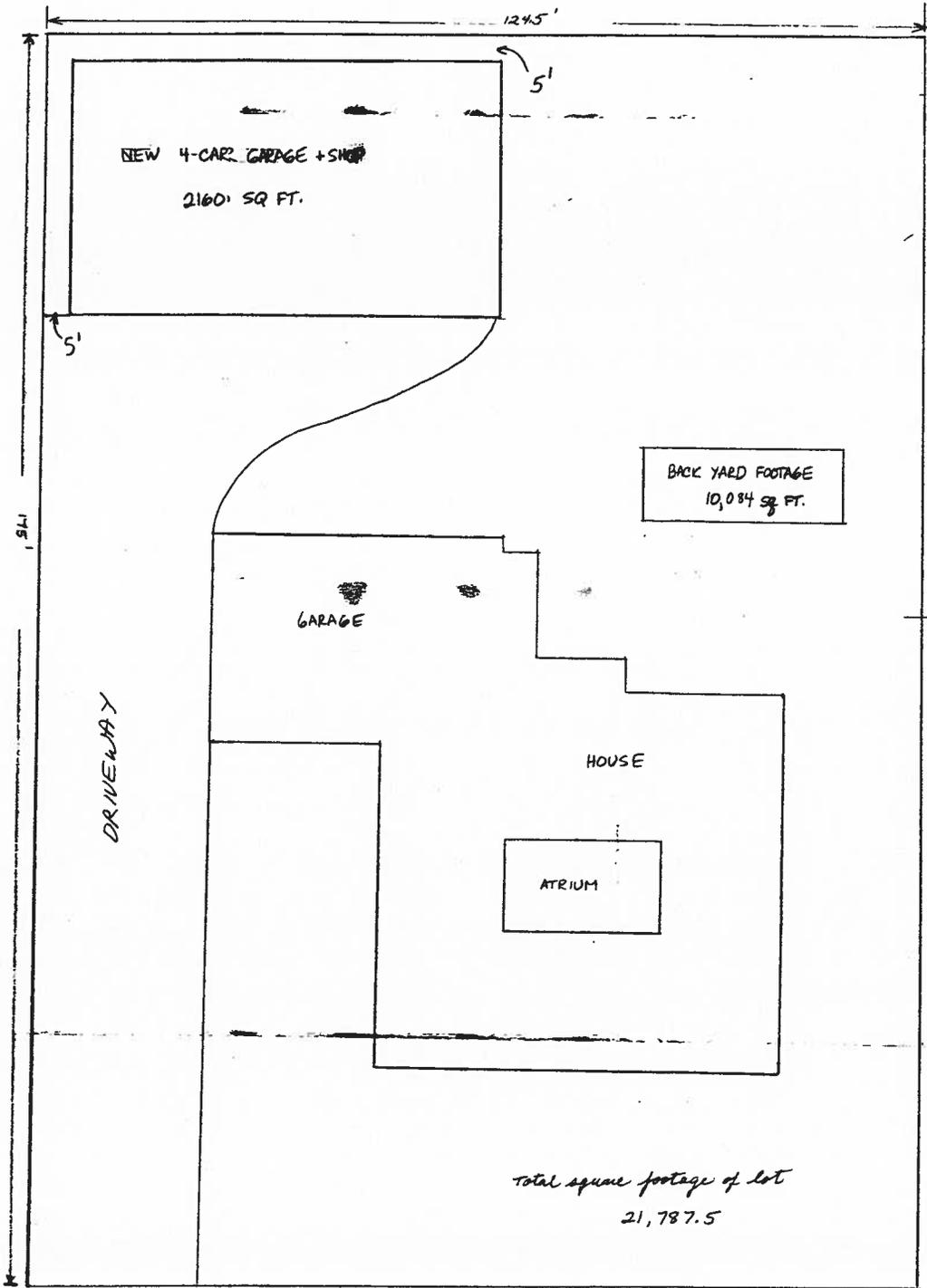




- NOTE:
1. ALL OVERHANGS ARE 1'-0" UNLESS OTHERWISE NOTED.
 2. ALL FINISHES TO BE AS APPROVED AND CHANGED.
 3. ALL MATERIALS TO BE AS APPROVED AND CHANGED.
 4. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 5. ALL OVERHANGS TO BE AS APPROVED AND CHANGED.
 6. ALL OVERHANGS TO BE AS APPROVED AND CHANGED.

SITE PLAN 1/8" = 1'-0"

LOT # 53



LOS ALAMITOS DR.

Narrative

Here's the plan. We would like to build a large garage (4 car + shop) in the rear of our home for the purpose of housing our cars and working on cars and doing fine art (I am an artist) It will not be used for any commercial purposes and we hope to make it appear similar to the existing home. This means using a similar color brick veneer as well as some plastered areas. The tip of the roof will be just shy of 20' high. It is a one story structure and only takes up about 20% of the back yard area. Please call me if you have further questions.

Thanks.

C. James
801-2090725

PCR ITEM 6B

Residential Treatment - CUP

PLANNING COMMISSION AGENDA REPORT: 05/14/2013
CITY COUNCIL AGENDA REPORT: 06/06/2013

CONDITIONAL USE PERMIT: Case # 2013-CUP-006
(Reference Case # 2012-CUP-005)

Request: To amend a previously approved conditional use permit to operate an adult residential treatment facility titled “**Desert Solace.**” This amendment is to add treatment of substance abuse and/or other applicable co-existing addictions to the previous approval. The applicant also wishes to increase the occupancy from 10 to 16.

Background: Desert Solace has been in operation since June 2012 as a marriage and family rehabilitation center. The residential clients are men whose marriage and family have been threatened by their addiction to pornography and other destructive behavior. The facility would now like to include addiction and gambling, and other behavioral addictions.

Narrative: The applicant has provided an amendment narrative (see attached).

Property: Located at 4200 N 1239 W (Lot 8 of the JEL subdivision – Amended)

Zoning: The zoning is A-5 (Agricultural 5 acre minimum lot size).

General Plan: VLDR (Very Low Density Residential – up to 1 DU/AC)

Applicants: Mr. Mark Jorgensen.

Licenses: Both a city business license and a state license are required.

Program: In 2012 the applicant proposed to operate a 60 day residential treatment program that would operate as a marriage and rehabilitation center. The clients would be men whose marriage and family relationships are threatened by their addiction to pornography and other destructive behaviors.

Originally in 2012 the applicant stated that the facility would not treat drug, alcohol, and chemical addiction and that any clients with substance abuse must be free of chemical dependence to be admitted into the program. However, in 2013 after operating for a year the applicant is returning and requesting that this CUP be amended to permit treatment of co-existing addictions.

A State License for "Residential Treatment" is requested (see attached letter dated April 24, 2012 from the Department of Human Services).

Maximum clients: The applicant is proposing a maximum capacity change from ten (10) adults to sixteen (16). The applicant will have to comply with the Utah Department of Human Services Office of Licensing Residential Rules.

Hours / days: This facility would operate 24/7.

Impact Report: The applicant previously provided a "Community Impact Report" as required by the Zoning Ordinance Section 10-5-3.E (see ordinance section below).

Ages: (Men) 18 and older.

Parking: The Planning Commission discussed parking and recommend applying Section 10-19-5 that states; *"Notwithstanding all provisions of this section, the Planning Commission shall take into account in each instance of nonresidential parking the type of development, use, location, adjoining uses and possible future uses in setting parking requirements, and it shall recommend to the city council a requirement of the number of spaces that it deems reasonable necessary in each instance for all employees, business vehicles and equipment, customers, clients and patients of such nonresidential property."*

The standard that was felt to be **most similar** was *"nursing home, care centers, and assisted living."* That standard requires one space per three (3) beds, except where long term care is provided and then one space per two (2) beds is required.

In 2012 the Planning Commission recommended that the minimum parking spaces required be: one (1) space for the resident manager, one (1) for each therapist on duty, and one (1) space per each two clients. This resulted in a minimum of eight (8) spaces (1 manager + 2 therapist + 5 (10 clients/2)). If the facility is approved for 16 clients than a total of approximately **ten (10) spaces would be required.**

There is a three (3) car garage **available** on site that may be counted for parking. There are also approximately two (2) stripped handicap parking spaces existing on site. There is paved areas that may be stripped for the additional spaces required.

Adjacent: Single-family residences surround this residence.

Ordinance:

This is an agricultural zone, but a single family residence is permitted on a 5 acre parcel per Section 10-5-2.

Per Section 10-5-3, a **residential treatment facility** is a conditional use (CUP) subject to the following:

Residential treatment facility in the A-5, A-10, A-20 zones only (defined as a 24 hour group living environment for more than 8 persons unrelated to the owner or provider that offers room or board and specialized treatment or rehabilitation services for persons with emotional, psychological or developmental dysfunctions, impairments or chemical dependencies), subject to the following requirements:

- A. Facility is licensed by the **Utah Department of Human Services**.*
- B. The **police department** shall be notified prior to placement of convicted felons in such facility.*
- C. A minimum lot size of **five (5) acres** is provided and a minimum six hundred foot (600') separation shall be maintained between residential treatment facilities, schools, and establishments licensed to sell beer or alcoholic beverages.*
- D. The applicant shall pay the applicable **business license fees** as set by the city council and shall also provide a statement demonstrating the capability of the applicant, through insurance, bonds, financial reserves or an immediately available line of credit to ensure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility.*
- E. A **community impact study** shall be provided by the applicant as part of the application for the conditional use permit. The community impact study shall specifically describe the programs provided and evaluate the impact of the residential treatment facility on local schools, the city's economy and economic resources, public safety and law enforcement, aesthetics, tourism, and neighboring properties and businesses, including the impact on property values, if any, and the impact of any other uses within or proposed to be used within the same building or facility to be used as a residential treatment facility. The community impact study shall be prepared by an independent, professional firm qualified to objectively analyze the potential impacts to the community.*

*F. A residential treatment facility must provide at least thirty percent (30%) of the area as **open green space** or playground and one parking space per staff on the highest shift plus one parking space for each five (5) persons housed in the facility.*

*G. Any conditional use granted shall be for a **specified number of individuals**. The number of residents shall not be increased without first obtaining approval from the city as an amendment to the conditional use. The request to increase the number of residents shall be accompanied by the study required under subsection E of this use.*

*H. Any conditional use granted shall be personal to the business licensee at such location, shall **not be transferable**, and shall expire upon the expiration, revocation or surrender of any city business license, state license, or other regulatory license of the facility.*

Behaviors:

In 2012 the Planning Commission inquired of the applicant (and therapists present – Mr. Stan Sullivan and Ms. Lynn Clark) what was the definition or explanation of treatment for “other behaviors.” It was explained that this can include treatment for ADHD, bipolar, PTSD, anxiety, sex addiction treatment, relationship problems, marriage and family issues, compulsivity, co-dependence, family of origin issues, and trauma resolution.

Tiers:

In 2012 the subject of ‘tiers’ was discussed. Desert Solace stated that it will not accept any client beyond a Tier I. Desert Solace will not accept any applicant classified as a Tier II or Tier III sex offender by the SORNA (Sex Offender Registration and Notification Act). It was explained that SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States.

Mr. Mark Jorgensen stated that Desert Solace will not treat criminals, that no felons will be admitted.

Screening:

Desert Solace explained their applicant screening and ‘in-take’ process (see polices documents).

Comments:

At the 2012 PC meeting no one spoke in opposition to this request and no correspondence has been received in either opposition or support. The Planning Commission recommended approval with the following conditions and findings:

1. Shall adhere to City Zoning Ordinance **Section 10-5-3** for “Residential Treatment Facility.”

2. A City **Business License** shall be obtained.
3. **Capacity** shall not exceed ten (10) residents at any given time.
4. Shall adhere to the program as described in the “**Program Narrative.**”
5. Shall adhere to the “**Community Impact Report**” as submitted dated April 20, 2012 (**Section 10-5-3.E**).
6. Shall adhere to the “**Policies and Procedures**” as submitted.
7. A final **fire inspection** is required prior to operation. The applicant shall comply with all Fire Department conditions; such as the posting of fire escape routes, smoke alarms, etc. (see attachment – inspected 4/25/2012).
8. A minimum of 30% of **green space** shall be provided.
9. The **CUP is not transferable.**
10. Applicants shall be of a **Tier I or less** only. Tier I as described in SORNA.
11. Applicants shall undergo a rigid **screening process** before acceptance into the program.
12. Criminal **background checks** shall be required.
13. Per **Section 10-5-3.B** the police department shall be notified regarding any felons.
14. A minimum of eight (8) **parking spaces** shall be provided. All spaces other than within a garage shall be delineated by striping. In 2013 if approved this would change to ten (10).
15. Shall comply with CUP **findings** (see below).

Findings:

The following standards must be met to mitigate the reasonably anticipated detrimental effects if **imposed** as a condition of approval:

Yes	N/A	Category	Description
Contain all noise inside of the residence		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
	X	B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
	X	C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
	X	D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
Meet all fire code requirements		E. Safety	1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems. 2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
Encourage staff carpooling		F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
	X	G. Height	1. Buildings shall fit into the overall context of the surrounding area. 2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.

24/7		H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
	X	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas
No exterior alterations		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
Meet state requirements		K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)



City of St. George
Community Development
175 East 200 North
St. George UT 84770

Re: Proposed amendment to Desert Solace CUP

Dear Sir or Madam:

Desert Solace has operated since June 2012 as a marriage and family rehabilitation center. Our residential clients are men whose marriages and family relationships are threatened by their addition to pornography and other destructive behaviors. The purpose of this narrative is to address these other destructive behaviors as they relate to the broad-spectrum treatment of Desert Solace clients.

Our mission is to save marriages, families, and in many cases, lives, through a 45 to 90 day residential treatment program that focuses on the entire person in all aspects of his life: emotional, physical, spiritual, relational, etc. Experts concur that addiction is nothing but a misguided attempt by the afflicted person to deal with deeper issues, almost always involving past trauma and/or attachment disorders. It is those more fundamental issues that we strive to address and heal. Our program has focused on those who try to escape from these deeper issues through pornography or other sexually related means.

Since its inception, the facility has not treated drug, alcohol, and chemical addiction. However, in the process of treating sexually addicted clients, we have discovered that many, if not most, addicts will readily cross-addict; that is, they will choose another means to avoid life, and will often return (or even turn for the first time) to other addictions such as substance abuse, gambling, or other destructive behaviors.

Because of these co-existing addiction issues, Desert Solace would like to amend its treatment parameters to include chemical addiction, gambling and other process (behavioral) addictions, as well as pornography and other sexually related addictions. This change would not only allow patients to receive a broader, more complete spectrum of care, but would also allow them to potentially access their insurance plan benefits to assist them in funding that care.

Prior clients with substance abuse issues have always been required to be free of chemical influence to be admitted to Desert Solace. This will continue to be the case; clients must undergo medical detoxification as necessary prior to admittance.

Desert Solace would also like to increase the number of number of residential clients it can concurrently serve from 10 to 16. The expanded parameters of

treatment could potentially necessitate the increased census, and the existing facility could comfortably and effectively accommodate such an increase.

In its new form, Desert Solace will continue to meet the highest of ethical and professional standards. Clinical staff will have impeccable professional credentials and will, of course, meet all proper and current licensing requirements.

The treatment process and structure will remain largely unchanged. Inpatient treatment consists of a variety of activities and treatments. A client's typical day begins with morning meditation and scripture/spiritual study, followed by group and individual therapy sessions. Afternoon and evening schedules include educational lectures, equine assisted therapy, art therapy, exercise (including professionally facilitated biking, hiking, yoga, and resistance training), facility and community service projects, and 12-step based recovery meetings.

As addiction is a family problem, spouses and other affected family members are heavily involved in treatment concurrent with the residential client. This includes periods of intensive on-site couples and family counseling during the course of the residential treatment, though family members will not be housed overnight at the facility. During the client's length of stay, spouses and other family members will receive therapy from professionals in their area of residence who will work in close consultation with Desert Solace therapists with the common goal of healing the family unit. At the conclusion of residential treatment, staff and local therapists will create a carefully formulated aftercare program to help ensure continued and complete recovery.

Thank you for your consideration in this matter. Please contact me anytime at (435) 817-1351 if you have any questions or need any clarification.



Mark Jorgensen
Executive Director
Desert Solace, LLC



**ST. GEORGE CITY COUNCIL MINUTES
WORK MEETING
MAY 9, 2013
ADMINISTRATION CONFERENCE ROOM**

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PRESENT:

- Mayor Daniel McArthur**
- Councilmember Jon Pike**
- Councilmember Gail Bunker**
- Councilmember Gil Almquist**
- Councilmember Jimmie Hughes**
- City Manager Gary Esplin**
- Deputy City Attorney Paula Houston**
- Deputy City Recorder Christina Fernandez**

EXCUSED:

- Councilmember Ben Nickle**

OPENING:

Mayor McArthur called the meeting to order and welcomed all in attendance. The pledge of allegiance to the flag was led by Mayor McArthur and the invocation was offered by Pastor Jimi Kestin.

FISCAL YEAR 2013-2014 BUDGET:

City Manager Gary Esplin presented a power point presentation of the 2013-2014 budget overview. Topics included: General Fund Revenues Budget - Fiscal Year 2014; Comparison of Revenues for 1st Ten Months (July - April); Number of Building Permits Issued by Category; Monthly Average Sales Tax Remittance by Industry; Total Direct Point of Sale-Local Tax Remittance by Month; Department/Box Stores - Local Tax Remittance by Month; New Car Sales - Local Tax Remittance by Month; Retail, Fast Food & Restaurants - Local Tax Remittance by Month; Lumber, Steel, Electrical, Plumbing Wholesale - Local Tax Remittance by Month - 5 - Year Comparison by Calendar Year; Furniture Stores - Local Tax Remittance by Month - 5- Year Comparison by Calendar Year; Hotel & Motels - Local Tax Remittance by Month - 5-Year Comparison by Calendar Year; 2011 Property Tax Distribution; 2012 Property Tax Distribution; General Fund - Top 10 Revenue Sources to Total Salaries & Benefits, General Fund Expenditures Budget; General Fund Distribution of Personnel, Materials & Supplies, Capital Outlays, and Transfers Expenses for Fiscal Years 2006 to 2014; and General Fund - Comparison of Top 10 Revenue Sources to Total Salaries & Benefits.

City Manager Gary Esplin recommended the City return to the market-based salary program for employees and picking up increased employee health insurance costs. He recommended one new position for a Park Planning Assistant, one Cemetery Maintenance Worker and one Equipment Operator at the Reuse Center. He reviewed his recommendations for major changes and Capital Outlay expenditures in the General Fund. He then reviewed the Enterprise Funds, Capital Project Funds, Other Funds and RDA Funds.

Mayor McArthur dismissed the meeting at 6:15 p.m.

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Christina Fernandez, Deputy City Recorder

DRAFT