

NOTICE OF MEETING
PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH

Public Notice

Notice is hereby given that the Planning Commission of the City of St. George, Washington County, Utah, will hold a **Planning Commission** meeting in the City Council Chambers, 175 East 200 North, St George, Utah, on **Tuesday, February 14**, commencing at **5:00 p.m.**

The agenda for the meeting is as follows:

Call to Order

Flag Salute

1. HILLSIDE PERMIT (HS) Administrative

Consider a request for a hillside development permit to determine the ridgeline on lot 29 of South Rim at Foremaster Ridge for the construction of an infinity pool. The property is currently zoned R-1-10 (Single Family Residential, minimum lot size 10,000sf). The site is located at 1682 E. Howard Lane. The applicant is Ryan Andrews and Tonya Shepard. Case No. 2022-HS-019. (Staff – Carol Davidson)

2. PRELIMINARY PLATS (PP) Administrative

A. Consider a request for a six (6) lot commercial subdivision known as Desert Color Commercial Pads K, M, and N located at approximately the intersection of Desert Color Pkwy and Black Mountain Dr. The property is 15.45 acres and is zoned PD-C. The applicant is Bush and Gudgell, representative Bob Hermandson. Case No. 2023-PP-002 (Staff – Wes Jenkins)

B. Consider a request for a one (1) lot and (1) Parcel commercial subdivision known as Delta by Marriott located at the intersection of 250 W and Blackridge Dr. The property is 14.63 acres and is zoned PD-C. The applicant is Ensign Engineering, representative Josh Nowell. Case No. 2023-PP-002 (Staff – Wes Jenkins)

3. MINUTES

Consider a request to approve the meeting minutes from the January 24, 2022, meeting.

4. CITY COUNCIL ACTIONS

The February 2, 2023, City Council meeting was cancelled.

Brenda Hatch – Development Office Supervisor

Reasonable Accommodation: The City of St. George will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact the City Human Resources Office at (435) 627-4674 at least 24 hours in advance if you have special needs.

HILLSIDE REVIEW BOARD AGENDA REPORT: 11/30/2022
HILLSIDE REVIEW BOARD AGENDA REPORT: 02/08/2023
PLANNING COMMISSION AGENDA REPORT: 02/14/2023

150 N. Donlee Drive Hillside Development Permit (Case No. 2022-HS-018)		
Request:	A Hillside Development Permit to mitigate the placement of a block wall in the hillside development overlay zone.	
Applicant:	Ryan and Martina Davis	
Representative:	same	
Location:	150 N. Donlee Drive	
General Plan:	Low Density Residential (LDR), Open Space (OS)	
Existing Zoning:	R-1-8 (Single Family Residential, minimum lot size 8,000 sf)	
Surrounding Zoning:	North	R-1-8
	South	R-1-8
	East	OS (Open Space
	West	R-1-8
Land Area:	Approximately 0.26 acres	



BACKGROUND

This is a request to obtain a hillside permit for the property located at 150 N. Donlee Drive, Lot 201, Valley View Heights Phase 2 (see Exhibit A, Final Plat). The applicant has put in a retaining wall along their rear property line, which is along the ridgeline above Bluff Street, to build up the property to make the yard more usable. The retaining wall was built without a hillside or building permit. After the retaining wall was built, the applicant hired a third-party engineer to evaluate the stability of the retaining wall. Please refer to Exhibit B to view the entire report.

This hillside item has two purposes. The first is to determine if the retaining wall that was installed is structurally sound. The second purpose is to mitigate the ridgeline setback issue. This property was subdivided before the hillside ordinance went into effect. According to the Ridgeline Map, this property is not located within the Cuesta (100' setback) or Plateau Ridge Line (50' setback); therefore, the ridgeline setback for this location is 30'. The location of the ridgeline has not been determined for this location and according to our code, no structure shall extend over any natural ridgeline. Please refer to the photos provided in Exhibit C.

APPLICABLE ORDINANCE(S) (Selected portions)

10-13A-6: Building Setbacks and Additional Design Standards:

- A. *Setbacks:* All setbacks shall conform to the underlying zone criteria except as provided herein. No structure or accessory structure shall be constructed within the setback area as defined below. However, a see-through wrought iron fence with at least fifty percent (50%) of the fence open, landscaping, and a nonvertical swimming pool are permitted in the setback area.
 - 1. *Ridgelines:* All ridgelines as shown on the ridgeline map shall be subject to the setback provisions contained herein. Setbacks from ridgelines not identified on the ridgeline map shall be a minimum of thirty feet (30'), or greater if recommended in the geotechnical reports.
 - 2. *Plateaus:* On plateaus, the setback from the ridgeline shall be a minimum of fifty feet (50') unless a greater setback is recommended in the geotechnical reports.
- C. *Cuesta:* Where a ridgeline occurs on a cuesta, the minimum setback shall be one hundred feet (100') measured normal (perpendicular) to the closest point of the ridge, unless a greater setback is recommended in the geotechnical report.
- D. *Additional Design Standards:*
 - 1. Retaining walls shall be colored to blend into the surrounding natural geology.

2. Retaining wall height is limited to the heights set forth in chapter 18 of this title and the standards for rock wall construction.
3. Building exterior colors shall be earth tone and blend with the surrounding natural landscape.
4. In residential zones, “no disturbance” areas shall be held as the “common area” of a project. Common areas shall be owned and maintained by the homeowners’ association or may be deeded to the city when accepted by the city.
5. In nonresidential zones, any “no disturbance” area shall be identified on the final site plan or final plat.
6. Any required no disturbance area shall be identified on the ground with temporary fencing or other approved means to prevent accidental disturbance of the area during construction and such fencing shall be installed prior to issuance of a grading permit.
7. The building site shall be located on the flattest portion of the parcel.
8. No structure shall extend over any natural ridgeline. The structure shall be in contact with the ground at all edges. (Ord. 2019-10-002, 10-10-2019)

EXHIBITS PROVIDED

1. Exhibit A – Valley View Heights Phase 2 Final Plat
“Exhibit A” shows lot 201 of the final plat of Valley View Heights Phase 2
2. Exhibit B – Engineering Report
“Exhibit B” is a report (updated on 1/24/2023) made by Landmark engineers of the structural stability of the existing retaining wall
3. Exhibit C – Photos of the property before and after
“Exhibit C” are a collection of photos showing the location before and after the building of the retaining wall

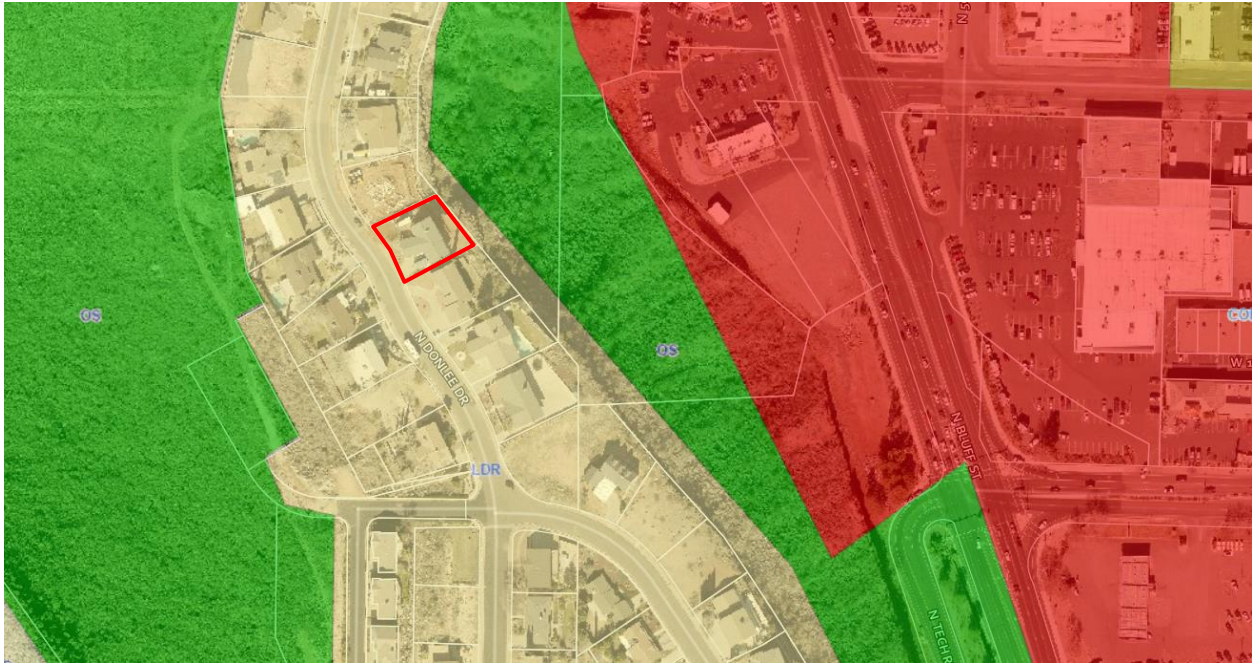
RECOMMENDATION

The Hillside Review Board recommended approval of this hillside permit to allow the retaining wall on this site to remain with the following acknowledgements and conditions:

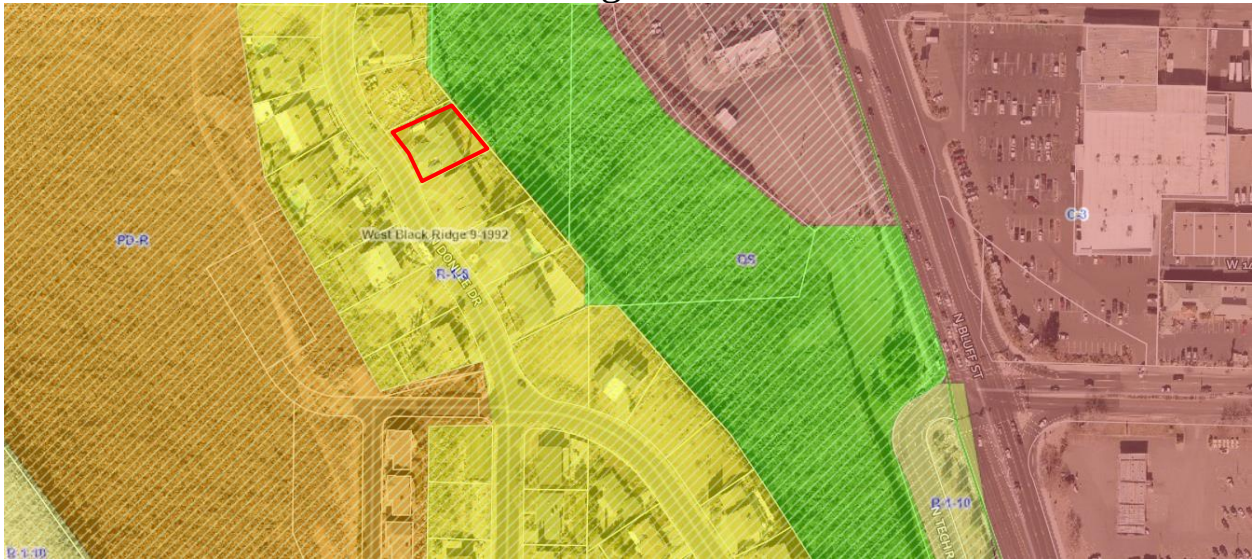
1. The Hillside Review Board acknowledges that no ridgeline existed at this location and that the owner has created a ridgeline by placing a retaining wall between two existing ridgelines.

2. The Hillside Review Board acknowledges that the retaining wall is approximately 10' tall which exceeds the maximum allowed height by 2' and that the applicant did have plans to bury 2' of the retaining wall, but that the Hillside Review Board would prefer that the applicant does not disturb any more of the hillside.
3. A Notice of Noncompliance letter shall be recorded against the property so that future owners will know the situation of this retaining wall. The letter shall contain:
 - a. A notification that states this retaining wall was erected prior to obtaining a hillside and building permit and that no compaction tests were taken during construction nor any observation of the construction by a geotechnical engineer.
 - b. A notification that states testing on the site did occur after the wall was constructed.
 - c. The updated engineering report shall be included in this noncompliance letter.
4. The retaining wall shall be colored to blend into the surrounding natural geology.

General Plan - COM



Zoning - R-1-8



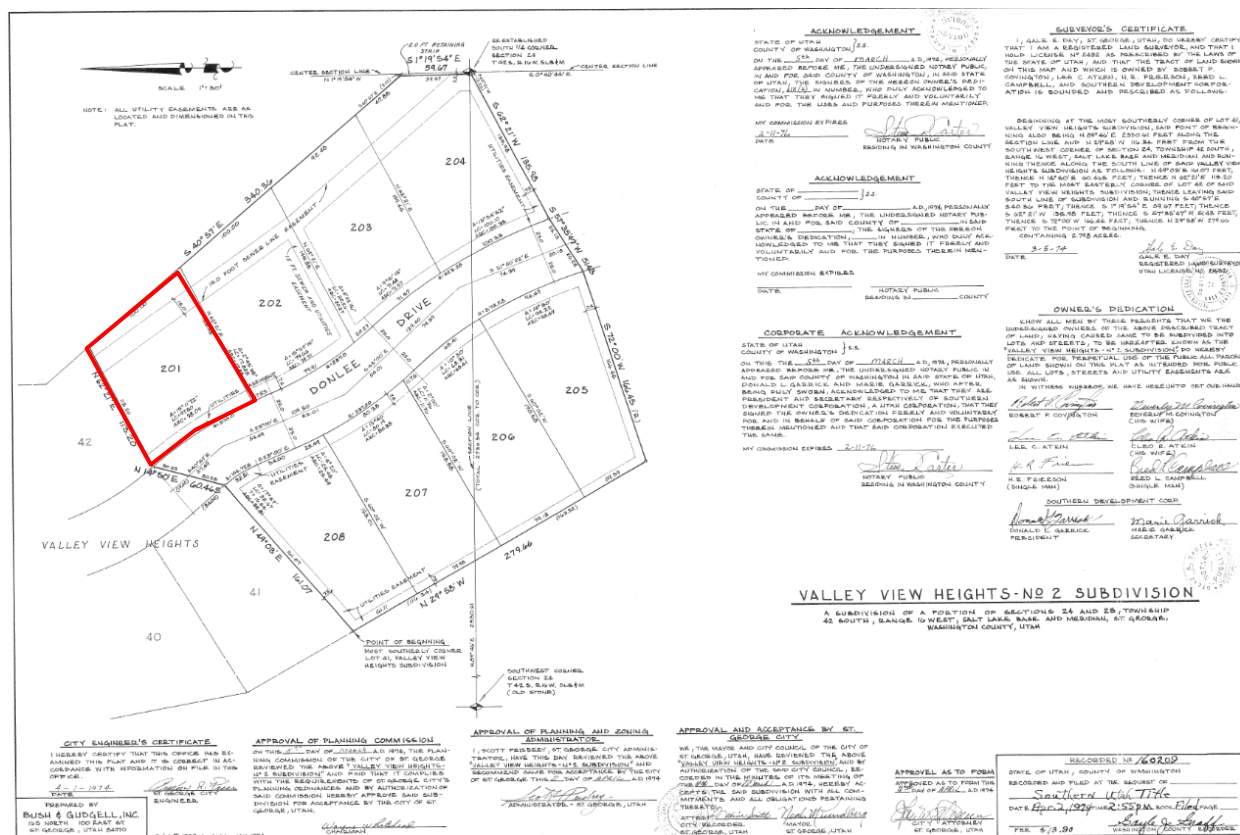


Exhibit B

Retaining Wall Engineering Report



December 9, 2022

Ryan Davis
150 North Donlee Drive
St. George, Utah 84770

Subject: Concrete Block Wall Letter
150 North Donlee Drive
St. George, Utah
Landmark Project #220603

Ryan:

A Redi-Rock concrete block wall is under construction in the backyard of the residence at 150 North Donlee Drive in St. George, Utah. The wall is located near the top of a 160-foot tall slope leading down to a parking lot on Bluff Street. A site visit by one of our engineers was completed to assess site conditions and to aid in a block wall analysis to assess the stability of the block wall.

ON-SITE VISIT

As part of the on-site visit, an engineer from Landmark and a field technician visited the site of the block wall and completed soils density tests, dynamic cone penetrometer (DCP) tests, and measured the slope below the wall with a Smart Level.

Soil density tests were performed on samples of the imported backfill at or near the existing ground surface on both the upper and lower tiers. The tests showed that the soil had dry densities ranging from 103.0 to 123.2 pcf with an average dry density of 112.6 pcf. The moisture content of the soil ranged from 3.3 to 13.7 percent with an average of 8.9 percent. The average in-place density of the soils, taking the moisture into account, was 122.6 pcf. A soil density sheet is attached to this letter.

Two dynamic cone penetrometer tests were performed on the soils adjacent to the soil density tests. One DCP test was performed on the backfill for each tier. When performing a DCP test, a 17.6-pound weight is dropped from a specified height multiple times to drive a cone tipped, metal rod into the ground. The penetration of the cone rod per blow is correlated to California Bearing Ratio (CBR) values.

The cone was driven deeper into the ground than the soil density testing was able to measure. The DCP testing was completed to show the density of the soil at depth compared to the surficial soils. The testing shows that the CBR values stayed relatively consistent with depth, indicating that the soils down to the maximum depth of the DCP testing (approximately 34 inches) was compacted in a similar manner to the surficial soils.

The slope below the bottom tier of the block wall was measured with a smart level to be 40 degrees down to the east.

It was observed that the blocks used for the block walls were Redi Rock blocks that were 41 inches deep. The lower tier was observed to be 10.5 feet in height at its highest point. The bench between walls was measured to be 8 feet. The upper tier was observed to be 9 feet in height.

Basalt bedrock was observed to be located immediately below the bottom tier of the wall. The basalt appears to slope up to the level of the house at the top of the upper tier of the block wall.

INTERNAL STABILITY ANALYSIS

Using the Redi Rock Wall + program, a block wall analysis was performed based on the density tests, DCP tests, soil used as backfill and the wall configuration. It is our understanding that the wall was not constructed with geogrid reinforcement, and therefore, was analyzed as a gravity retaining wall. The wall analysis was performed using an effective moist unit weight of 120 pcf with an internal friction angle of 32 degrees. The wall configuration was input in the program as observed on-site.

The wall was shown to have factors of safety exceeding 1.5 for overturning stability and slip, factor of safety greater than 2.0 for bearing capacity, and an eccentricity of 0.160 in static conditions and factors of safety greater than 1.0 in seismic conditions. These are the industry standard factors of safety for each condition.

SUMMARY and RECOMMENDATIONS

It is the opinion of Landmark Testing and Engineering that the block walls as constructed meet minimum factors of safety and will function as intended. At the time of our visit the lower tier had a maximum wall height of 10.5 feet and the upper tier had a maximum wall height of 9 feet.

Typical moisture control recommendations include, but are not limited to, grading the ground surface drain surficial water away from the walls and limiting vegetation on or adjacent to the walls.

We understand that a pool is to be built behind the upper tier of the wall. We recommend that the pool be located as far from the residence and wall as possible, and a minimum of 10 feet from the rear face of the block in the upper wall. A leak in the pool poses a significant risk to the stability of the walls. It should be understood that Landmark does not recommend the placement of pools proximate to retaining walls unless the retaining wall has been specifically designed for this condition.

However, if the pool is to be built behind the wall despite our recommendation, strict moisture control recommendations should be followed. These recommendations include but are not limited to the following:

- The pool should be located a minimum of 10 feet from the retaining wall and existing structure.
- Plumbing is a significant source of leaks. All plumbing should be fully leak tested and approved prior to filling of the pool.
- The water level in the pool should be strictly monitored and consideration should be given for installing a leak monitoring system. Any leaks should be repaired immediately.
- Consideration should be given to installing an impermeable membrane beneath and extending up the sides of the pool.

- We recommend concrete flatwork with drains surrounding the pool to drain surface water away from the pool and other structures.

Our services for this letter did not include a soils investigation beneath the pool. Construction of the pool is to be completed by the contractor according to best industry practices. Construction, maintenance, ownership, and all consequences associated with the pool are to be accepted by the pool owner.

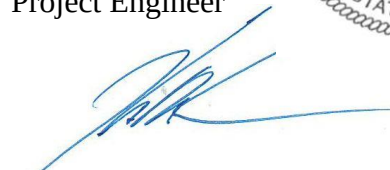
Landmark did not design the concrete block retaining walls, nor compete construction testing during their construction. Our services consisted only of the information found in this letter, and this letter should not be considered a Letter of Compliance nor an acceptance of liability.

If you have any questions or would like to discuss this project, please contact the undersigned at (435) 986-0566.

Sincerely,

LANDMARK TESTING & ENGINEERING

Kent Nelson, P.E.
Project Engineer



John M. Anderson, P.E.
Project Engineer

[illegible]



Dynamic Cone Penetrometer

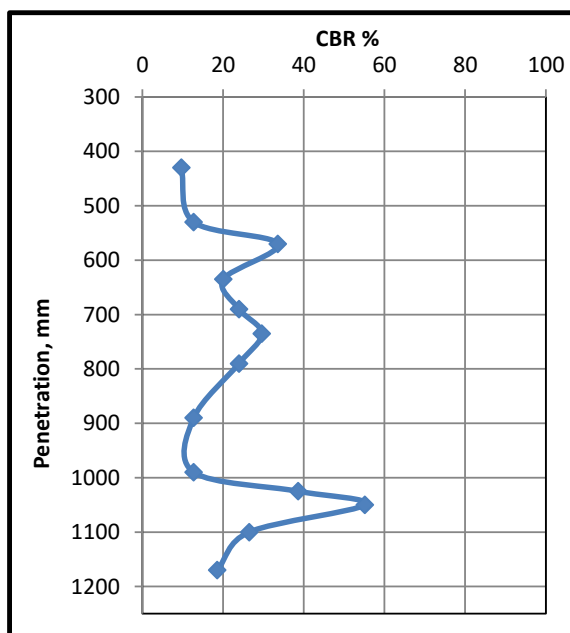
Project: 150 North Donlee Drive
 Project #: 220603
 Sample Location: Lower Tier
 Soil Classification: SILTY SAND (SM)

Date: 9/2/2022
 Tested By: K. Nelson
 Hammer Wt: 17.6 lb
 Water Table Depth: Not Encountered

Number of Blows	Cumulative Penetration, mm	Penetration Between Readings, mm	Penetration per Blow, mm	Hammer Factor	DCP Index, mm/blow	CBR %
Initial	300					
5	430	130	26	1	26	10
5	530	100	20	1	20	13
5	570	40	8	1	8	34
5	635	65	13	1	13	20
5	690	55	11	1	11	24
5	735	45	9	1	9	30
5	790	55	11	1	11	24
5	890	100	20	1	20	13
5	990	100	20	1	20	13
5	1025	35	7	1	7	39
5	1050	25	5	2	5	55
5	1100	50	10	3	10	26
5	1170	70	14	1	14	19

Tabulated Correlation of CBR vs. DCP Index

DCP Index mm/blow	CBR %	DCP Index mm/blow	CBR %	DCP Index mm/blow	CBR %
<3	100	39	4.8	69-71	2.5
3	80	40	4.7	72-74	2.4
4	60	41	4.6	75-77	2.3
5	50	42	4.4	78-80	2.2
6	40	43	4.3	81-83	2.1
7	35	44	4.2	84-87	2.0
8	30	45	4.1	88-91	1.9
9	25	46	4.0	92-96	1.8
10-11	20	47	3.9	97-101	1.7
12	18	48	3.8	102-107	1.6
13	16	49-50	3.7	108-114	1.5
14	15	51	3.6	115-121	1.4
15	14	52	3.5	112-130	1.3
16	13	53-54	3.4	131-140	1.2
17	12	55	3.3	141-152	1.1
18-19	11	56-57	3.2	153-166	1.0
20-21	10	58	3.1	167-183	0.9
22-23	9	59-60	3.0	184-205	0.8
24-26	8	61-62	2.9	206-233	0.7
27-29	7	63-64	2.8	234-271	0.6
30-34	6	65-66	2.7	272-234	0.5
35-38	5	67-68	2.6	>324	<0.5





Dynamic Cone Penetrometer

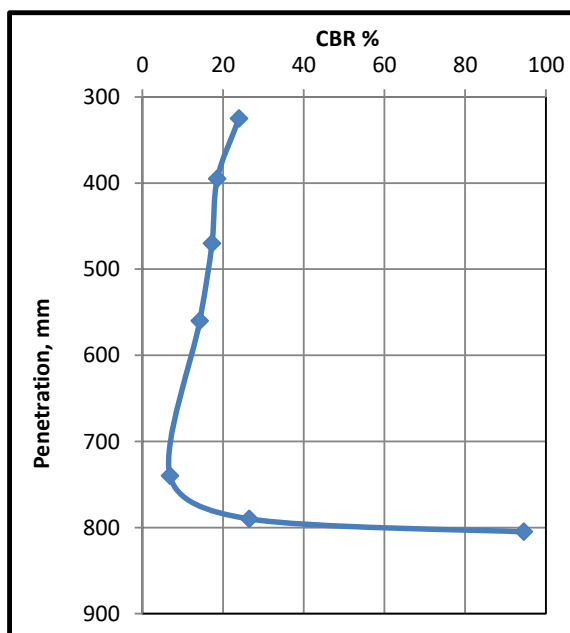
Project: 150 North Donlee Drive
 Project #: 220603
 Sample Location: Upper Tier
 Soil Classification: SILTY SAND (SM)

Date: 9/2/2022
 Tested By: K. Nelson
 Hammer Wt: 17.6 lb
 Water Table Depth: Not Encountered

Number of Blows	Cumulative Penetration, mm	Penetration Between Readings, mm	Penetration per Blow, mm	Hammer Factor	DCP Index, mm/blow	CBR %
Initial	270					
5	325	55	11	1	11	24
5	395	70	14	1	14	19
5	470	75	15	1	15	17
5	560	90	18	1	18	14
5	740	180	36	1	36	7
5	790	50	10	1	10	26
5	805	15	3	1	3	95
	Refusal					

Tabulated Correlation of CBR vs. DCP Index

DCP Index mm/blow	CBR %	DCP Index mm/blow	CBR %	DCP Index mm/blow	CBR %
<3	100	39	4.8	69-71	2.5
3	80	40	4.7	72-74	2.4
4	60	41	4.6	75-77	2.3
5	50	42	4.4	78-80	2.2
6	40	43	4.3	81-83	2.1
7	35	44	4.2	84-87	2.0
8	30	45	4.1	88-91	1.9
9	25	46	4.0	92-96	1.8
10-11	20	47	3.9	97-101	1.7
12	18	48	3.8	102-107	1.6
13	16	49-50	3.7	108-114	1.5
14	15	51	3.6	115-121	1.4
15	14	52	3.5	112-130	1.3
16	13	53-54	3.4	131-140	1.2
17	12	55	3.3	141-152	1.1
18-19	11	56-57	3.2	153-166	1.0
20-21	10	58	3.1	167-183	0.9
22-23	9	59-60	3.0	184-205	0.8
24-26	8	61-62	2.9	206-233	0.7
27-29	7	63-64	2.8	234-271	0.6
30-34	6	65-66	2.7	272-234	0.5
35-38	5	67-68	2.6	>324	<0.5



Analysis of Redi Rock wall

Input data

Task : 220603 - 150 North Donlee Drive Block Walls
 Part : Two 8-foot Block Walls
 Customer : Ryan Davis
 Author : Kent Nelson
 Date : 9/12/2022
 Project ID : 150 North Donlee Drive
 Project number : 220603

Settings

(input for current task)

Wall analysis

Verification methodology : Safety factors (ASD)
 Active earth pressure calculation : Coulomb
 Passive earth pressure calculation : Mazindrani (Rankine)
 Earthquake analysis : Mononobe-Okabe
 Shape of earth wedge : Calculate as skew
 Allowable eccentricity : 0.333
 Internal stability : Standard - straight slip surface
 Reduction coeff. of contact first block - base : 1.00

Safety factors			
Permanent design situation			
Safety factor for overturning :	$SF_o =$	1.00	[-]
Safety factor for sliding resistance :	$SF_s =$	1.00	[-]
Safety factor for bearing capacity :	$SF_b =$	2.00	[-]
Safety factor for sliding along geo-reinforcement :	$SF_{sr} =$	1.50	[-]
Safety factor for geo-reinforcement strength :	$SF_{st} =$	1.50	[-]
Safety factor for pull out resistance of geo-reinf. :	$SF_{po} =$	1.50	[-]
Safety factor for connection strength :	$SF_{con} =$	1.50	[-]

Blocks

No.	Description	Height h [in]	Width w [in]	Unit weight γ [pcf]
1	Block 28	18.00	28.00	120.00
2	Block 41	18.00	40.50	120.00
3	Block 60	18.00	60.00	130.00
4	Top block 24 straight	18.00	24.00	108.00
5	Planter 41	18.00	40.50	120.00
6	Planter 60	18.00	60.00	112.00
7	Top block 28	18.00	28.00	120.00
8	Top block 41	18.00	40.50	120.00
9	Top block 24 straight garden	18.00	24.00	80.00
10	Block R-5236 HC	36.00	52.00	110.00
11	Block R-7236 HC	36.00	72.00	110.00
12	Block R-9636 HC	36.00	96.00	110.00
13	Block R-41 HC	18.00	40.50	110.00

No.	Description	Min. shear strength $F_{\min}$ [lbf/ft]	Max. shear strength $F_{\max}$ [lbf/ft]	Friction f [°]
1	Block 28	6061.00	11276.00	44.00
2	Block 41	6061.00	11276.00	44.00
3	Block 60	6061.00	11276.00	44.00
4	Top block 24 straight	6061.00	11276.00	44.00
5	Planter 41	6061.00	11276.00	44.00
6	Planter 60	6061.00	11276.00	44.00
7	Top block 28	6061.00	11276.00	44.00
8	Top block 41	6061.00	11276.00	44.00
9	Top block 24 straight garden	6061.00	11276.00	44.00
10	Block R-5236 HC	4550.00	12000.00	44.00
11	Block R-7236 HC	4550.00	12000.00	44.00
12	Block R-9636 HC	4550.00	12000.00	44.00
13	Block R-41 HC	5358.00	12906.00	37.00

Setbacks

No.	Setback s [in]
1	0.010
2	0.375
3	1.625
4	9.375
5	16.625

Geometry

No. group	Description	Count	Setback s [in]
1	Block 41	5	1.62
2	Block 41	1	1.62
3	Top block 28	1	-

Base

Geometry

Upper setback $a_1 = 0.00$ ftLower setback $a_2 = 1.00$ ftHeight $h = 1.00$ ftWidth $b = 5.00$ ft

Material

Soil creating foundation - Basalt

Basic soil parameters

No.	Name	Pattern	Φ_{ef} [°]	C_{ef} [psf]	γ [pcf]	γ_{su} [pcf]	δ [°]
1	Sand		32.00	0.0	120.00	62.50	28.00

No.	Name	Pattern	Φ_{ef} [°]	c_{ef} [psf]	γ [pcf]	γ_{su} [pcf]	δ [°]
2	Basalt		35.00	5000.0	140.00	77.50	35.00

All soils are considered as cohesionless for at rest pressure analysis.

Soil parameters

Sand

Unit weight : $\gamma = 120.0$ pcf
 Stress-state : effective
 Angle of internal friction : $\Phi_{ef} = 32.00^\circ$
 Cohesion of soil : $c_{ef} = 0.0$ psf
 Angle of friction struc.-soil : $\delta = 28.00^\circ$
 Saturated unit weight : $\gamma_{sat} = 125.0$ pcf

Basalt

Unit weight : $\gamma = 140.0$ pcf
 Stress-state : effective
 Angle of internal friction : $\Phi_{ef} = 35.00^\circ$
 Cohesion of soil : $c_{ef} = 5000.0$ psf
 Angle of friction struc.-soil : $\delta = 35.00^\circ$
 Saturated unit weight : $\gamma_{sat} = 140.0$ pcf

Backfill

Assigned soil : Sand

Slope = 40.00°

Geological profile and assigned soils

Position information

GPS : N 37.1111400; W 113.5966200
 N 37°6'40.10"; W 113°35'47.83"

Geological profile and assigned soils

No.	Thickness of layer t [ft]	Depth z [ft]	Assigned soil	Pattern
1	-	0.00 .. ∞	Basalt	

Terrain profile

Terrain behind construction has the slope 1: 8.00 (slope angle is 7.13°).

Water influence

Ground water table is located below the structure.

Input surface surcharges

No.	Surcharge new	change	Action	Mag.1 [lb/ft ²]	Mag.2 [lb/ft ²]	Ord.x x [ft]	Length l [ft]	Depth z [ft]
1	Yes		permanent	750.0				on terrain

Resistance on front face of the structure

Resistance on front face of the structure: at rest

Soil on front face of the structure - Sand

Soil thickness in front of structure $h = 1.00$ ft

Soil slope in front of structure $\beta = -35.00^\circ$

Applied forces acting on the structure

No.	Force new edit	Name	Action	F _x [lb/ft]	F _z [lb/ft]	M [lbfft/ft]	x [ft]	z [ft]
1	Yes	Force No. 1	permanent	0.00	1000.00	0.0	8.00	0.00

EarthquakeFactor of horizontal acceleration $K_h = 0.1200$ Factor of vertical acceleration $K_v = 0.0000$

Water below the GWT is restricted.

Settings of the stage of construction

Design situation : permanent

Reduction of soil/soil friction angle : reduce to $2/3 \phi$ (AASHTO)**Verification No. 1****Earthquake effects (active earth pressure) - partial results**

Layer No.	Thickness [ft]	Φ_d [°]	β [°]	ψ [°]	K_a	K_{ae}	$K_{ae}-K_a$	Comment
1	0.25	32.00	7.13	6.84	0.603	0.760	0.156	
2	0.42	32.00	7.13	6.84	0.603	0.760	0.156	
3	1.08	32.00	7.13	6.84	0.603	0.760	0.156	
4	7.88	32.00	7.13	6.84	0.266	0.365	0.099	
5	1.12	32.00	7.13	6.84	0.603	0.760	0.156	
6	1.00	35.00	7.13	6.84	0.272	0.374	0.102	

Earthquake effects (active earth pressure)

Layer No.	Start [ft] End [ft]	σ_z [psf]	σ_D [psf]	Pressure [psf]	Hor. comp. [psf]	Vertical comp. [psf]
1	-0.25	0.0	1429.7	223.5	152.1	163.8
	0.00	29.7	1400.0	218.9	148.9	160.4
2	0.00	29.7	1400.0	218.9	148.9	160.4
	0.42	79.7	1350.0	211.0	143.6	154.7
3	0.42	79.7	1350.0	211.0	143.6	154.7
	1.50	209.7	1220.0	190.7	129.8	139.8
4	1.50	209.7	1220.0	120.3	110.1	48.3
	9.38	1155.4	274.3	27.0	24.8	10.9
5	9.38	1155.4	274.3	42.9	29.2	31.4
	10.50	1289.7	140.0	21.9	14.9	16.0
6	10.50	1289.7	140.0	14.3	11.7	8.2
	11.50	1429.7	0.0	0.0	0.0	0.0

Forces acting on construction

Name	F _{hor} [lb/ft]	App.Pt. z [ft]	F _{vert} [lb/ft]	App.Pt. x [ft]	Design coefficient
Weight - wall	0.0	-5.12	4673.1	2.94	1.000
Earthq.- constr.	560.1	-5.18	0.0	2.95	1.000
FF resistance	-19.3	-0.33	0.0	0.00	1.000
Weight - earth wedge	0.0	-1.37	42.0	4.61	1.000
Earthquake - soil wedge	5.0	-1.37	0.0	4.61	1.000

Name	F_{hor} [lb/ft]	App.Pt. z [ft]	F_{vert} [lb/ft]	App.Pt. x [ft]	Design coefficient
Weight - earth wedge	0.0	-11.02	224.9	3.80	1.000
Earthquake - soil wedge	27.0	-11.02	0.0	3.80	1.000
Active pressure	1947.8	-4.32	1261.3	4.72	1.000
Earthq.- act.pressure	808.2	-7.91	529.2	4.71	1.000
Surch.1 - surface	2323.1	-6.51	1698.3	4.72	1.000
Surch.1 - surface	0.0	-11.62	1483.8	3.22	1.000
Force No. 1	0.0	-11.50	1000.0	10.23	1.000

Verification of complete wall**Check for overturning stability**Resisting moment $M_{res} = 46273.5$ lbfft/ftOverturning moment $M_{ovr} = 33124.3$ lbfft/ft

Safety factor = 1.40 > 1.00

Wall for overturning is SATISFACTORY**Check for slip**Resisting horizontal force $H_{res} = 19690.61$ lb/ftActive horizontal force $H_{act} = 5651.93$ lb/ft

Safety factor = 3.48 > 1.00

Wall for slip is SATISFACTORY**Overall check - WALL is SATISFACTORY****Dimensioning No. 1****Forces acting on construction**

Name	F_{hor} [lb/ft]	App.Pt. z [ft]	F_{vert} [lb/ft]	App.Pt. x [ft]	Design coefficient
Weight - wall	0.0	-4.93	3973.1	2.02	1.000
Earthq.- constr.	486.5	-4.89	0.0	2.02	1.000
Weight - earth wedge	0.0	-10.02	224.9	2.80	1.000
Earthquake - soil wedge	27.0	-10.02	0.0	2.80	1.000
Active pressure	1719.1	-3.69	802.5	3.65	1.000
Earthq.- act.pressure	658.9	-7.30	429.8	3.71	1.000
Surch.1 - surface	2182.7	-5.83	1301.6	3.68	1.000
Surch.1 - surface	0.0	-10.62	1483.8	2.22	1.000
Force No. 1	0.0	-10.50	1000.0	9.23	1.000

Verification of block No. 1**Check for overturning stability**Resisting moment $M_{res} = 30490.0$ lbfft/ftOverturning moment $M_{ovr} = 26522.0$ lbfft/ft

Safety factor = 1.15 > 1.00

Joint for overturning stability is SATISFACTORY

Check for slipResisting horizontal force $H_{res} = 10758.53 \text{ lbf/ft}$ Active horizontal force $H_{act} = 5074.24 \text{ lbf/ft}$

Safety factor = 2.12 > 1.00

Joint for verification is SATISFACTORY**Bearing capacity of foundation soil****Design load acting at the center of footing bottom**

No.	Moment [lbfft/ft]	Norm. force [lbf/ft]	Shear Force [lbf/ft]	Eccentricity [-]	Stress [psf]
1	14132.4	10912.63	5651.93	0.259	4528.3

Service load acting at the center of footing bottom

No.	Moment [lbfft/ft]	Norm. force [lbf/ft]	Shear Force [lbf/ft]
1	14132.4	10912.63	5651.93

Verification of foundation soil

Stress in the footing bottom : rectangle

Eccentricity verificationMax. eccentricity of normal force $e = 0.259$ Maximum allowable eccentricity $e_{alw} = 0.333$ **Eccentricity of the normal force is SATISFACTORY****Verification of bearing capacity**Max. stress at footing bottom $\sigma = 4528.3 \text{ psf}$ Bearing capacity of foundation soil $R_d = 15000.0 \text{ psf}$

Safety factor = 3.31 > 2.00

Bearing capacity of foundation soil is SATISFACTORY**Overall verification - bearing capacity of found. soil is SATISFACTORY**

Analysis of Redi Rock wall

Input data

Task : 220603 - 150 North Donlee Drive Block Walls
 Part : Two 8-foot Block Walls
 Customer : Ryan Davis
 Author : Kent Nelson
 Date : 9/12/2022
 Project ID : 150 North Donlee Drive
 Project number : 220603

Settings

USA - Safety factor

Wall analysis

Verification methodology : Safety factors (ASD)
 Active earth pressure calculation : Coulomb
 Passive earth pressure calculation : Mazindrani (Rankine)
 Earthquake analysis : Mononobe-Okabe
 Shape of earth wedge : Calculate as skew
 Allowable eccentricity : 0.333
 Internal stability : Standard - straight slip surface
 Reduction coeff. of contact first block - base : 1.00

Safety factors			
Permanent design situation			
Safety factor for overturning :	$SF_o =$	1.50	[-]
Safety factor for sliding resistance :	$SF_s =$	1.50	[-]
Safety factor for bearing capacity :	$SF_b =$	2.00	[-]
Safety factor for sliding along geo-reinforcement :	$SF_{sr} =$	1.50	[-]
Safety factor for geo-reinforcement strength :	$SF_{st} =$	1.50	[-]
Safety factor for pull out resistance of geo-reinf. :	$SF_{po} =$	1.50	[-]
Safety factor for connection strength :	$SF_{con} =$	1.50	[-]

Blocks

No.	Description	Height h [in]	Width w [in]	Unit weight γ [pcf]
1	Block 28	18.00	28.00	120.00
2	Block 41	18.00	40.50	120.00
3	Block 60	18.00	60.00	130.00
4	Top block 24 straight	18.00	24.00	108.00
5	Planter 41	18.00	40.50	120.00
6	Planter 60	18.00	60.00	112.00
7	Top block 28	18.00	28.00	120.00
8	Top block 41	18.00	40.50	120.00
9	Top block 24 straight garden	18.00	24.00	80.00
10	Block R-5236 HC	36.00	52.00	110.00
11	Block R-7236 HC	36.00	72.00	110.00
12	Block R-9636 HC	36.00	96.00	110.00
13	Block R-41 HC	18.00	40.50	110.00

No.	Description	Min. shear strength $F_{\min}$ [lbf/ft]	Max. shear strength $F_{\max}$ [lbf/ft]	Friction f [°]
1	Block 28	6061.00	11276.00	44.00
2	Block 41	6061.00	11276.00	44.00
3	Block 60	6061.00	11276.00	44.00
4	Top block 24 straight	6061.00	11276.00	44.00
5	Planter 41	6061.00	11276.00	44.00
6	Planter 60	6061.00	11276.00	44.00
7	Top block 28	6061.00	11276.00	44.00
8	Top block 41	6061.00	11276.00	44.00
9	Top block 24 straight garden	6061.00	11276.00	44.00
10	Block R-5236 HC	4550.00	12000.00	44.00
11	Block R-7236 HC	4550.00	12000.00	44.00
12	Block R-9636 HC	4550.00	12000.00	44.00
13	Block R-41 HC	5358.00	12906.00	37.00

Setbacks

No.	Setback s [in]
1	0.010
2	0.375
3	1.625
4	9.375
5	16.625

Geometry

No. group	Description	Count	Setback s [in]
1	Block 41	5	1.62
2	Block 41	1	1.62
3	Top block 28	1	-

Base**Geometry**Upper setback $a_1 = 0.00$ ftLower setback $a_2 = 1.00$ ftHeight $h = 1.00$ ftWidth $b = 5.00$ ft**Material**

Soil creating foundation - Basalt

Basic soil parameters

No.	Name	Pattern	Φ_{ef} [°]	C_{ef} [psf]	γ [pcf]	γ_{su} [pcf]	δ [°]
1	Sand		32.00	0.0	120.00	62.50	28.00

No.	Name	Pattern	ϕ_{ef} [°]	c_{ef} [psf]	γ [pcf]	γ_{su} [pcf]	δ [°]
2	Basalt		35.00	5000.0	140.00	77.50	35.00

All soils are considered as cohesionless for at rest pressure analysis.

Soil parameters

Sand

Unit weight : $\gamma = 120.0$ pcf
 Stress-state : effective
 Angle of internal friction : $\phi_{ef} = 32.00^\circ$
 Cohesion of soil : $c_{ef} = 0.0$ psf
 Angle of friction struc.-soil : $\delta = 28.00^\circ$
 Saturated unit weight : $\gamma_{sat} = 125.0$ pcf

Basalt

Unit weight : $\gamma = 140.0$ pcf
 Stress-state : effective
 Angle of internal friction : $\phi_{ef} = 35.00^\circ$
 Cohesion of soil : $c_{ef} = 5000.0$ psf
 Angle of friction struc.-soil : $\delta = 35.00^\circ$
 Saturated unit weight : $\gamma_{sat} = 140.0$ pcf

Backfill

Assigned soil : Sand

Slope = 40.00°

Geological profile and assigned soils

Position information

GPS : N 37.1111400; W 113.5966200

N 37°6'40.10"; W 113°35'47.83"

Geological profile and assigned soils

No.	Thickness of layer t [ft]	Depth z [ft]	Assigned soil	Pattern
1	-	0.00 .. ∞	Basalt	

Terrain profile

Terrain behind construction has the slope 1: 8.00 (slope angle is 7.13°).

Water influence

Ground water table is located below the structure.

Input surface surcharges

No.	Surcharge new	change	Action	Mag.1 [lb/ft ²]	Mag.2 [lb/ft ²]	Ord.x x [ft]	Length l [ft]	Depth z [ft]
1	Yes		permanent	750.0				on terrain

Resistance on front face of the structure

Resistance on front face of the structure: at rest

Soil on front face of the structure - Sand

Soil thickness in front of structure $h = 1.00$ ft

Soil slope in front of structure $\beta = -35.00^\circ$

Applied forces acting on the structure

No.	Force new edit	Name	Action	F_x [lb/ft]	F_z [lb/ft]	M [lbfft/ft]	x [ft]	z [ft]
1	Yes	Force No. 1	permanent	0.00	1000.00	0.0	8.00	0.00

Earthquake

Factor of horizontal acceleration $K_h = 0.0000$ Factor of vertical acceleration $K_v = 0.0000$

Water below the GWT is restricted.

Settings of the stage of construction

Design situation : permanent

Reduction of soil/soil friction angle : reduce to $2/3 \varphi$ (AASHTO)

Verification No. 1

Earthquake effects (active earth pressure) - partial results

Layer No.	Thickness [ft]	φ_d [°]	β [°]	ψ [°]	K_a	K_{ae}	$K_{ae}-K_a$	Comment
1	0.25	32.00	7.13	0.00	0.603	0.603	0.000	
2	0.42	32.00	7.13	0.00	0.603	0.603	0.000	
3	1.08	32.00	7.13	0.00	0.603	0.603	0.000	
4	7.88	32.00	7.13	0.00	0.266	0.266	0.000	
5	1.12	32.00	7.13	0.00	0.603	0.603	0.000	
6	1.00	35.00	7.13	0.00	0.272	0.272	0.000	

Earthquake effects (active earth pressure)

Layer No.	Start [ft] End [ft]	σ_z [psf]	σ_D [psf]	Pressure [psf]	Hor. comp. [psf]	Vertical comp. [psf]
1	-0.25	0.0	1429.7	0.0	0.0	0.0
	0.00	29.7	1400.0	0.0	0.0	0.0
2	0.00	29.7	1400.0	0.0	0.0	0.0
	0.42	79.7	1350.0	0.0	0.0	0.0
3	0.42	79.7	1350.0	0.0	0.0	0.0
	1.50	209.7	1220.0	0.0	0.0	0.0
4	1.50	209.7	1220.0	0.0	0.0	0.0
	9.38	1155.4	274.3	0.0	0.0	0.0
5	9.38	1155.4	274.3	0.0	0.0	0.0
	10.50	1289.7	140.0	0.0	0.0	0.0
6	10.50	1289.7	140.0	0.0	0.0	0.0
	11.50	1429.7	0.0	0.0	0.0	0.0

Forces acting on construction

Name	F_{hor} [lb/ft]	App.Pt. z [ft]	F_{vert} [lb/ft]	App.Pt. x [ft]	Design coefficient
Weight - wall	0.0	-5.12	4673.1	2.94	1.000
Earthq.- constr.	0.0	-5.18	0.0	2.95	1.000
FF resistance	-19.3	-0.33	0.0	0.00	1.000
Weight - earth wedge	0.0	-1.37	42.0	4.61	1.000
Earthquake - soil wedge	0.0	-1.37	0.0	4.61	1.000

Name	F_{hor} [lb/ft]	App.Pt. z [ft]	F_{vert} [lb/ft]	App.Pt. x [ft]	Design coefficient
Weight - earth wedge	0.0	-11.02	224.9	3.80	1.000
Earthquake - soil wedge	0.0	-11.02	0.0	3.80	1.000
Active pressure	1947.8	-4.32	1261.3	4.72	1.000
Earthq.- act.pressure	0.0	-11.50	0.0	4.21	1.000
Surch.1 - surface	2323.1	-6.51	1698.3	4.72	1.000
Surch.1 - surface	0.0	-11.62	1483.8	3.22	1.000
Force No. 1	0.0	-11.50	1000.0	10.23	1.000

Verification of complete wall**Check for overturning stability**Resisting moment $M_{res} = 43779.2$ lbfft/ftOverturning moment $M_{ovr} = 23527.0$ lbfft/ft

Safety factor = 1.86 > 1.50

Wall for overturning is SATISFACTORY**Check for slip**Resisting horizontal force $H_{res} = 26774.86$ lb/ftActive horizontal force $H_{act} = 4251.62$ lb/ft

Safety factor = 6.30 > 1.50

Wall for slip is SATISFACTORY**Overall check - WALL is SATISFACTORY****Dimensioning No. 1****Forces acting on construction**

Name	F_{hor} [lb/ft]	App.Pt. z [ft]	F_{vert} [lb/ft]	App.Pt. x [ft]	Design coefficient
Weight - wall	0.0	-4.93	3973.1	2.02	1.000
Earthq.- constr.	0.0	-4.89	0.0	2.02	1.000
Weight - earth wedge	0.0	-10.02	224.9	2.80	1.000
Earthquake - soil wedge	0.0	-10.02	0.0	2.80	1.000
Active pressure	1719.1	-3.69	802.5	3.65	1.000
Earthq.- act.pressure	0.0	-10.50	0.0	3.21	1.000
Surch.1 - surface	2182.7	-5.83	1301.6	3.68	1.000
Surch.1 - surface	0.0	-10.62	1483.8	2.22	1.000
Force No. 1	0.0	-10.50	1000.0	9.23	1.000

Verification of block No. 1**Check for overturning stability**Resisting moment $M_{res} = 28895.1$ lbfft/ftOverturning moment $M_{ovr} = 19058.9$ lbfft/ft

Safety factor = 1.52 > 1.50

Joint for overturning stability is SATISFACTORY

Check for slipResisting horizontal force $H_{res} = 17347.35 \text{ lbf/ft}$ Active horizontal force $H_{act} = 3901.82 \text{ lbf/ft}$

Safety factor = 4.45 > 1.50

Joint for verification is SATISFACTORY**Bearing capacity of foundation soil****Design load acting at the center of footing bottom**

No.	Moment [lbfft/ft]	Norm. force [lbf/ft]	Shear Force [lbf/ft]	Eccentricity [-]	Stress [psf]
1	5706.5	10383.46	4251.62	0.110	2661.8

Service load acting at the center of footing bottom

No.	Moment [lbfft/ft]	Norm. force [lbf/ft]	Shear Force [lbf/ft]
1	5706.5	10383.46	4251.62

Verification of foundation soil

Stress in the footing bottom : rectangle

Eccentricity verificationMax. eccentricity of normal force $e = 0.110$ Maximum allowable eccentricity $e_{alw} = 0.333$ **Eccentricity of the normal force is SATISFACTORY****Verification of bearing capacity**Max. stress at footing bottom $\sigma = 2661.8 \text{ psf}$ Bearing capacity of foundation soil $R_d = 15000.0 \text{ psf}$

Safety factor = 5.64 > 2.00

Bearing capacity of foundation soil is SATISFACTORY**Overall verification - bearing capacity of found. soil is SATISFACTORY**

Exhibit C

Before and After Photos of the Project



Rear of House – Before



Rear of House - Before



Rear of House – Before



Rear of House – Google Earth



Rear of House – 11/21/2022



Rear of House – 11/21/2022



Rear of House – 11/21/2022



Rear of House – 11/21/2022



PLANNING COMMISSION AGENDA REPORT: 02/14/2023

PRELIMINARY PLAT

Desert Color Commercial Pads K, M and N

Case No. 2023-PP-002

Request: To approve a preliminary plat for a six (6) lot commercial subdivision.

Location: The site is located at approximately the intersection of Desert Color Parkway and Black Mountain Drive

Property: Pad 15.45 Acres

Number of Lots: 6

Density: N/A

Zoning: PD-C

Adjacent zones: This plat is part of the Desert Color Planned Development:

General Plan: TC (Town Center)

Applicant: Bush & Gudgell

Representative: Bob Hermandson

Comments:

B&G PROJECT NUMBER 221571

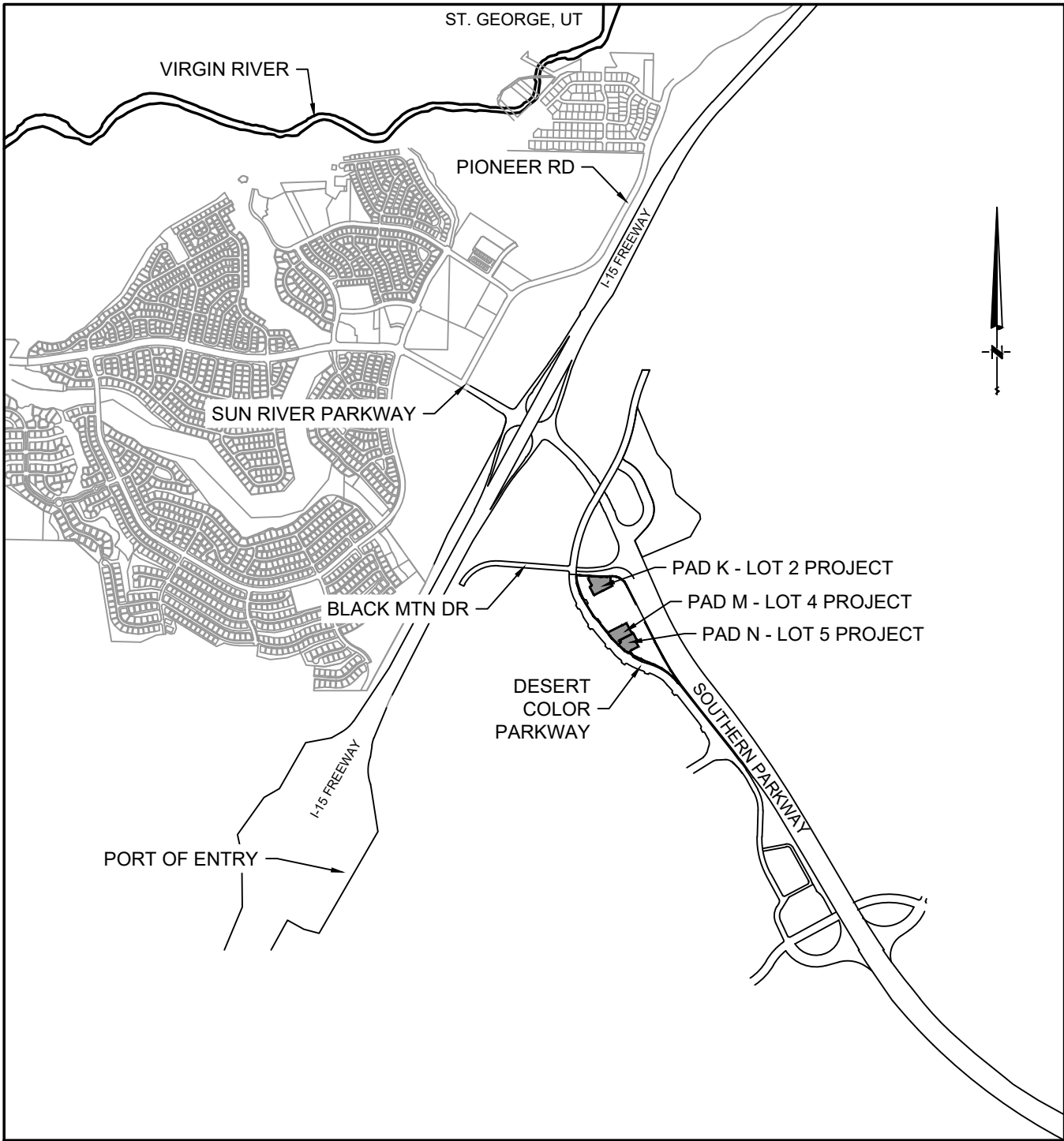
DESERT COLOR COMMERCIAL PHASE 2

AT DESERT COLOR

PRELIMINARY PLAT

LOCATED IN ST. GEORGE, UTAH

SOUTHEAST 1/4 OF SECTION 23 & SOUTHWEST 1/4 OF SECTION 24
TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN



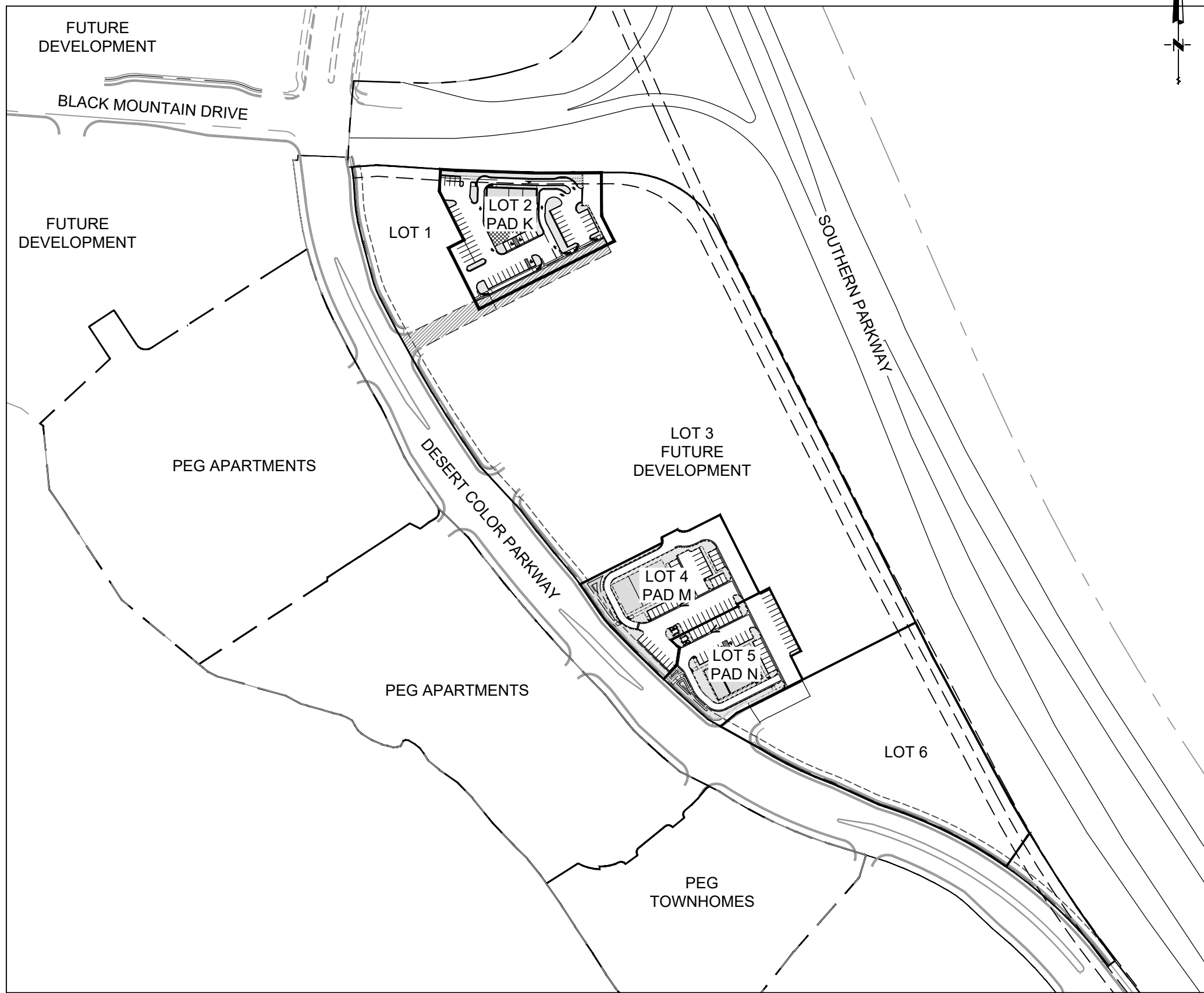
VICINITY MAP
N.T.S.

OVERALL BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT LIES SOUTH 89°03'28" EAST ALONG THE SECTION LINE 453.09 FEET AND SOUTH 319.49 FEET FROM THE NORTHWEST CORNER SAID SECTION 25, SAID POINT BEING AT THE INTERSECTION OF DESERT COLOR PARKWAY, DOCUMENT NO. 20190002195, OFFICIAL RECORDS, WASHINGTON COUNTY, UTAH, AND SOUTHERN PARKWAY, DOCUMENT NO. 20100000332, OFFICIAL RECORDS, WASHINGTON COUNTY, UTAH, RIGHT OF WAY LINES, THENCE RUNNING ALONG SAID SOUTHERN PARKWAY THE FOLLOWING EIGHT (8) COURSES: 1) NORTH 85°45'20" EAST 48.24 FEET, 2) SOUTH 86°14'05" EAST 139.05 FEET, 3) SOUTH 88°01'08" EAST 141.37 FEET, 4) NORTH 89°44'45" EAST 157.82 FEET, 5) SOUTHEASTERLY ALONG A 196.07 FOOT RADIUS CURVE TO THE RIGHT, (LONG CHORD BEARS SOUTH 58°25'04" EAST A DISTANCE OF 206.83 FEET), CENTER POINT LIES SOUTH 00°15'01" EAST THROUGH A CENTRAL ANGLE OF 63°39'55", A DISTANCE OF 217.87 FEET, 6) SOUTH 26°36'01" EAST 844.05 FEET, 7) SOUTH 28°11'38" EAST 227.81 FEET, AND 8) SOUTHEASTERLY ALONG A 2710.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, (LONG CHORD BEARS SOUTH 32°56'35" EAST A DISTANCE OF 458.50 FEET), CENTER POINT LIES NORTH 61°54'34" EAST THROUGH A CENTRAL ANGLE OF 09°42'19", A DISTANCE OF 459.05 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DESERT COLOR PARKWAY, THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING TWENTY SEVEN (27) COURSES: 1) NORTH 37°58'14" WEST 47.19 FEET, 2) SOUTH 52°01'46" WEST 14.00 FEET, 3) NORTH 37°58'14" WEST 15.80 FEET, 4) NORTHWESTERLY ALONG A 808.00 FOOT RADIUS CURVE TO THE LEFT, (LONG CHORD BEARS NORTH 55°06'52" WEST A DISTANCE OF 476.38 FEET), CENTER POINT LIES SOUTH 52°01'46" WEST THROUGH A CENTRAL ANGLE OF 34°17'18", A DISTANCE OF 483.54 FEET, 5) WESTERLY ALONG A 203.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 68°47'10" WEST A DISTANCE OF 24.59 FEET), CENTER POINT LIES NORTH 17°44'29" EAST THROUGH A CENTRAL ANGLE OF 06°56'43", A DISTANCE OF 24.61 FEET, 6) NORTH 65°18'53" WEST 67.20 FEET, 7) WESTERLY ALONG A 197.00 FOOT RADIUS CURVE TO THE LEFT, (LONG CHORD BEARS NORTH 67°30'48" WEST A DISTANCE OF 15.15 FEET), CENTER POINT LIES SOUTH 24°41'22" WEST THROUGH A CENTRAL ANGLE OF 04°24'21", A DISTANCE OF 15.15 FEET, 8) NORTHWESTERLY ALONG A 710.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 64°04'22" WEST A DISTANCE OF 139.64 FEET), CENTER POINT LIES NORTH 20°17'01" EAST THROUGH A CENTRAL ANGLE OF 11°17'13", A DISTANCE OF 139.87 FEET, 9) NORTH 60°38'54" WEST 106.45 FEET, 10) NORTHWESTERLY ALONG A 722.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 49°22'39" WEST A DISTANCE OF 14.62 FEET), CENTER POINT LIES NORTH 40°02'33" EAST THROUGH A CENTRAL ANGLE OF 01°09'36", A DISTANCE OF 14.62 FEET, 11) NORTHWESTERLY ALONG A 2457.00 FOOT RADIUS COMPOUND CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 46°09'37" WEST A DISTANCE OF 226.09 FEET), CENTER POINT LIES NORTH 41°12'09" EAST THROUGH A CENTRAL ANGLE OF 05°16'27", A DISTANCE OF 226.17 FEET, 12) NORTHWESTERLY ALONG A 203.00 FOOT RADIUS COMPOUND CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 38°56'51" WEST A DISTANCE OF 32.39 FEET), CENTER POINT LIES NORTH 46°28'37" EAST THROUGH A CENTRAL ANGLE OF 09°09'04", A DISTANCE OF 32.42 FEET, 13) NORTH 34°22'21" WEST 61.99 FEET, 14) NORTHWESTERLY ALONG A 197.00 FOOT RADIUS CURVE TO THE LEFT, (LONG CHORD BEARS NORTH 37°35'38" WEST A DISTANCE OF 22.14 FEET), CENTER POINT LIES SOUTH 55°37'39" WEST THROUGH A CENTRAL ANGLE OF 06°28'34", A DISTANCE OF 22.15 FEET, 15) NORTHWESTERLY ALONG A 2445.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 39°04'05" WEST A DISTANCE OF 149.08 FEET), CENTER POINT LIES NORTH 49°11'05" EAST THROUGH A CENTRAL ANGLE OF 03°29'39", A DISTANCE OF 149.11 FEET, 16) NORTH 42°32'40" WEST 106.61 FEET, 17) NORTHWESTERLY ALONG A 2457.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 32°26'22" WEST A DISTANCE OF 206.23 FEET), CENTER POINT LIES NORTH 55°09'19" EAST THROUGH A CENTRAL ANGLE OF 04°48'38", A DISTANCE OF 206.29 FEET, 18) NORTH 29°05'32" WEST 80.78 FEET, 19) NORTHWESTERLY ALONG A 2457.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 27°26'53" WEST A DISTANCE OF 60.24 FEET), CENTER POINT LIES NORTH 61°50'58" EAST THROUGH A CENTRAL ANGLE OF 01°24'17", A DISTANCE OF 60.24 FEET, 20) NORTHWESTERLY ALONG A 557.00 FOOT RADIUS COMPOUND CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 26°40'00" WEST A DISTANCE OF 1.54 FEET), CENTER POINT LIES NORTH 63°15'16" EAST THROUGH A CENTRAL ANGLE OF 00°09'29", A DISTANCE OF 1.54 FEET, 21) NORTHERLY ALONG A 203.00 FOOT RADIUS COMPOUND CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 20°39'35" WEST A DISTANCE OF 41.93 FEET), CENTER POINT LIES NORTH 63°24'44" EAST THROUGH A CENTRAL ANGLE OF 11°51'22", A DISTANCE OF 42.01 FEET, 22) NORTH 14°43'54" WEST 65.19 FEET, 23) NORTHERLY ALONG A 549.51 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 13°47'24" WEST A DISTANCE OF 33.13 FEET), CENTER POINT LIES NORTH 74°28'57" EAST THROUGH A CENTRAL ANGLE OF 03°27'19", A DISTANCE OF 33.14 FEET, 24) NORTHERLY ALONG A 291.50 FOOT RADIUS COMPOUND CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 07°32'08" WEST A DISTANCE OF 46.01 FEET), CENTER POINT LIES NORTH 77°56'16" EAST THROUGH A CENTRAL ANGLE OF 09°03'13", A DISTANCE OF 46.06 FEET, 25) NORTH 03°00'31" WEST 23.83 FEET, 26) NORTHERLY ALONG A 197.00 FOOT RADIUS CURVE TO THE LEFT, (LONG CHORD BEARS NORTH 07°12'55" WEST A DISTANCE OF 28.90 FEET), CENTER POINT LIES SOUTH 86°59'29" WEST THROUGH A CENTRAL ANGLE OF 08°24'47", A DISTANCE OF 28.93 FEET, AND 27) NORTH 11°32'43" WEST 2.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 672,952 SQUARE FEET OR 15.45 ACRES.



KEY MAP
1" = 200'

NOTE: FUTURE IMPROVEMENT DEPICTIONS ARE CONCEPTUAL AND ARE NOT BEING APPROVED AS PART OF THIS SITE PLAN APPROVAL.

OWNER / DEVELOPER

WOODBURY CORPORATION
CONTACT: BRIAN THAYER
(#801) 979-4700
2733 E PARLEY'S WAY #300
SALT LAKE CITY, UT 84109

BUSH AND GUDGELL, INC.
PROJECT MANAGER: BOB HERMANDSON
(435) 673-2337
205 EAST TABERNACLE #4
ST. GEORGE, UT 84770

AGEC APPLIED GEOTECH
GEOTECHNICAL ENGINEER: G. WAYNE ROGERS
(435) 673-6850
1420 SOUTH 270 EAST
ST. GEORGE, UT 84790

GENERAL NOTES

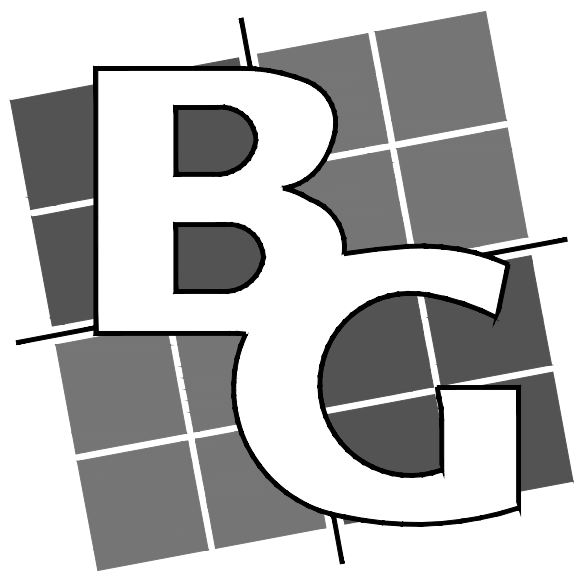
- 1) CONTRACTOR IS RESPONSIBLE TO VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK IN ANY ZONE.
- 2) ALL WORK AND MATERIALS SHALL COMPLY WITH CITY STANDARD SPECIFICATIONS.
- 3) PROJECTS SHALL INSTALL AN INFORMATIONAL SIGN ON SITE BEFORE CONSTRUCTION BEGINS. THIS SIGN WILL HAVE A MINIMUM SIZE, PLACEMENT LOCATION AND CONTENT INFORMATION WITH THE COMPANY NAME, PHONE CONTACT AND GRADING PERMIT NUMBER.
- 4) PROJECTS SHALL SUBMIT A DUST CONTROL PLAN WITH DETAILS ON EQUIPMENT, SCHEDULING AND REPORTING OF DUST CONTROL ACTIVITIES.
- 5) A MANDATORY PRE-CONSTRUCTION MEETING WILL BE REQUIRED ON ALL PROJECTS PRIOR TO ANY GRUBBING, GRADING OR CONSTRUCTION ACTIVITIES. THE PERMIT HOLDER WILL BE REQUIRED TO NOTIFY ALL DEVELOPMENT SERVICE INSPECTORS.
- 6) FOLLOW APPENDIX 'J' STANDARDS FOUND IN THE IBC, 2018 EDITION.
- 7) ALL OBJECTS SHALL BE KEPT OUT OF THE SIGHT DISTANCE CORRIDORS THAT MAY OBSTRUCT THE DRIVER'S VIEW.

JANUARY 2023

BUSH & GUDGELL, INC.

Engineers - Planners - Surveyors

205 East Tabernacle #4
St. George, Utah 84770
Phone (435) 673-2337



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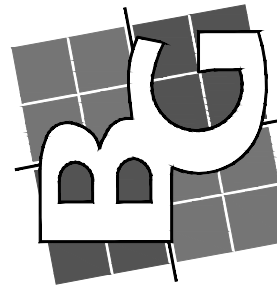
Engineers - Planners - Surveyors

205 East Tabernacle Suite #4

St. George, Utah 84770

Phone (435) 673-2337 / Fax (435) 673-3161

www.bushandgudgell.com



DATE: 2/1/2023

DRAWN: TR

APPROVED:

SCALE: NOTED

JOB NO.: 221571

COMBINED COVER SHEET

DESERT COLOR COMMERCIAL PHASE 2

AT DESERT COLOR

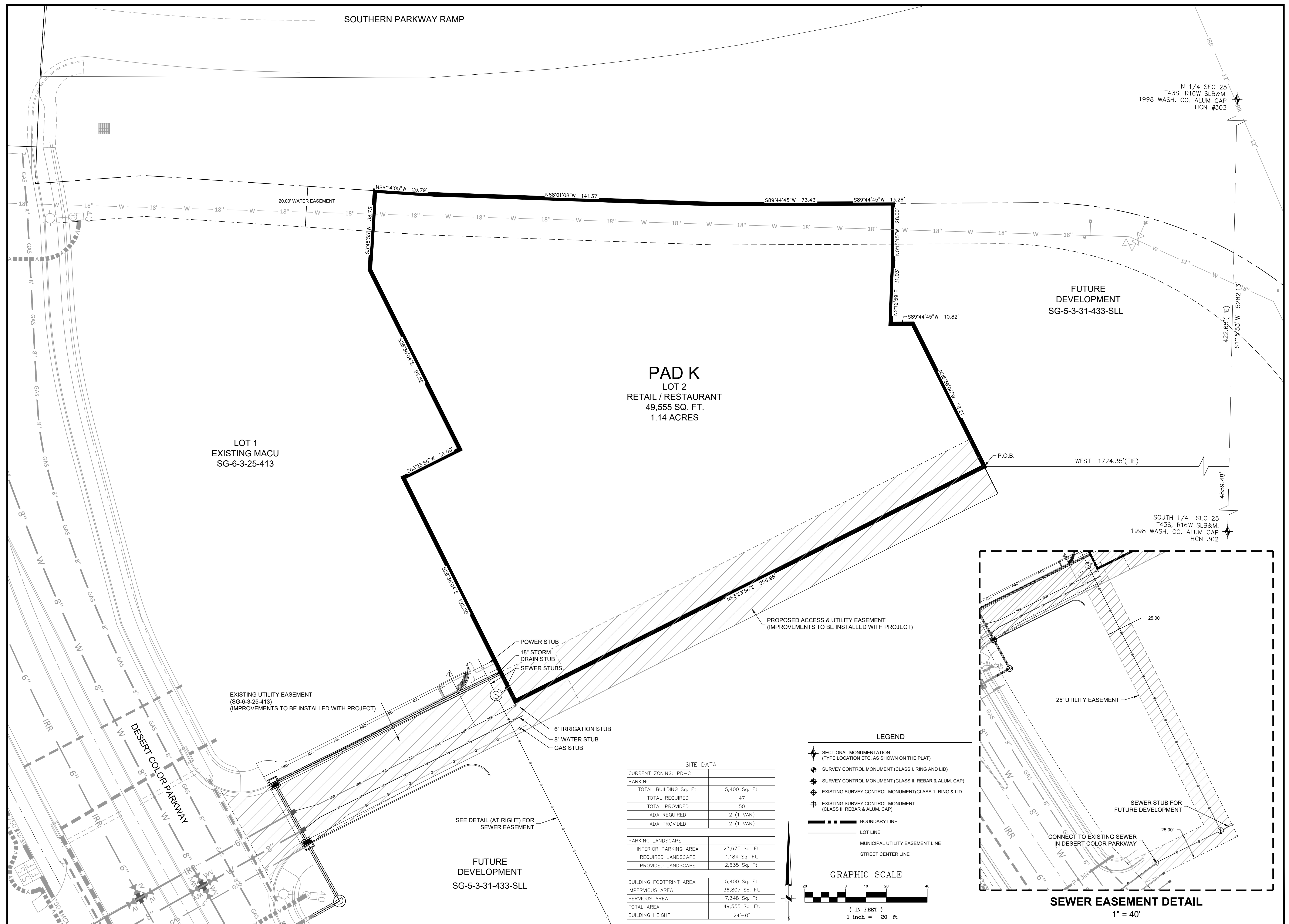
LOCATED IN ST. GEORGE, UT

SHEET
1 OF 5
SHEETS
FILE: 221571 - PRELIM PLAT



PRELIMINARY PLAT
DESERT COLOR COMMERCIAL PH
AT DESERT COLOR
LOCATED IN ST. GEORGE, UT

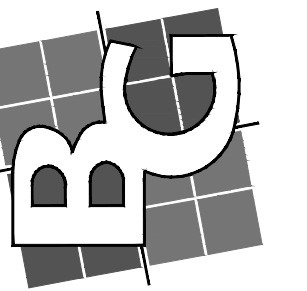
SHEET 2 OF 5 SHEETS
FILE: 221571 - PRELIM PLANS



X:\Desert Color South Block\221571 - Pad N and Pad K-DCC\Drawings\Preliminary Plat\PAD K PRELIMINARY PLAT.dwg

BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors
205 East Tabernacle Suite #4
Olathe, Kansas 66061
913.766.1100
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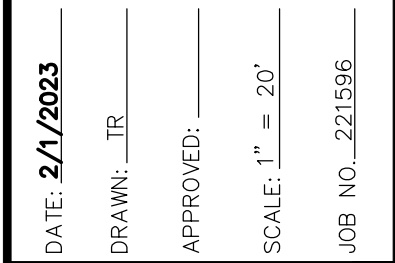
DATE: 2/1/2023
DRAWN: TR
APPROVED: _____
SCALE: 1" = 20'
JOB NO. 221571

PRELIMINARY PLAT PAD K - LOT 2
DESERT COLOR COMMERCIAL PHASE 2
AT DESERT COLOR
LOCATED IN ST.GEORGE, UT

SHEET
3 OF 5
SHEETS
LE: 221571 - PRELIM PLAT



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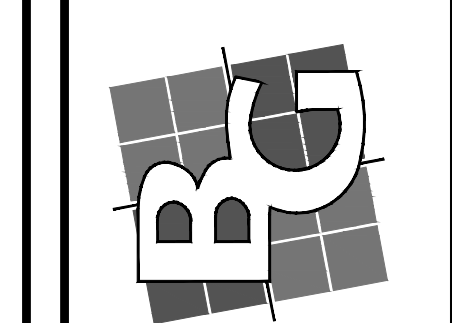


PRELIMINARY PLAT PAD M - LOT 4
DESERT COLOR COMMERCIAL PHASE 2
AT DESERT COLOR
LOCATED IN ST. GEORGE, UT

SHEET 4 OF 5 SHEETS
FILE:PRELIM PLAT

[illegible]

BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors
205 East Tabernacle Suite #4
St. George, Utah 84770
Phone (435) 673-2337 / Fax (435) 673-3161
www.bushandgudgell.com



DATE: **2/1/2023**
DRAWN: TR
APPROVED: _____
SCALE: 1" = 20'
JOB NO. 221597

PRELIMINARY PLAT PAD N - LOT 5
DESERT COLOR COMMERCIAL PHASE 2
AT DESERT COLOR
LOCATED IN ST. GEORGE, UT

SHEET 5 OF 5 SHEETS
FILE: 221571 - PRELIM PLAT



PLANNING COMMISSION AGENDA REPORT: 02/14/2023

PRELIMINARY PLAT

Delta by Marriott

Case No. 2023-PP-003

Request: To approve a preliminary plat for a one (1) lot and (1) Parcel commercial subdivision.

Location: The site is located at the intersection of 250 West and Blackridge Drive

Property: 14.63 Acres

Number of Lots: 1 lot and 1 parcel

Density: N/A

Zoning: PD-C

Adjacent zones: This plat is surrounded by the following zones:
North – PD-C/R-1-10
South – PD-C
East – C-2
West – R-1-10

General Plan: Com (Commercial)

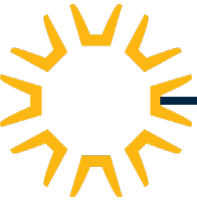
Applicant: Ensign Engineering

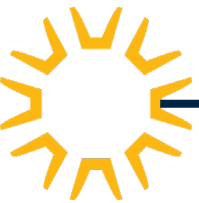
Representative: Josh Nowell

Comments:

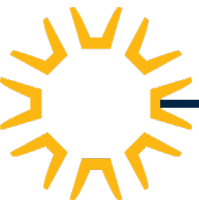
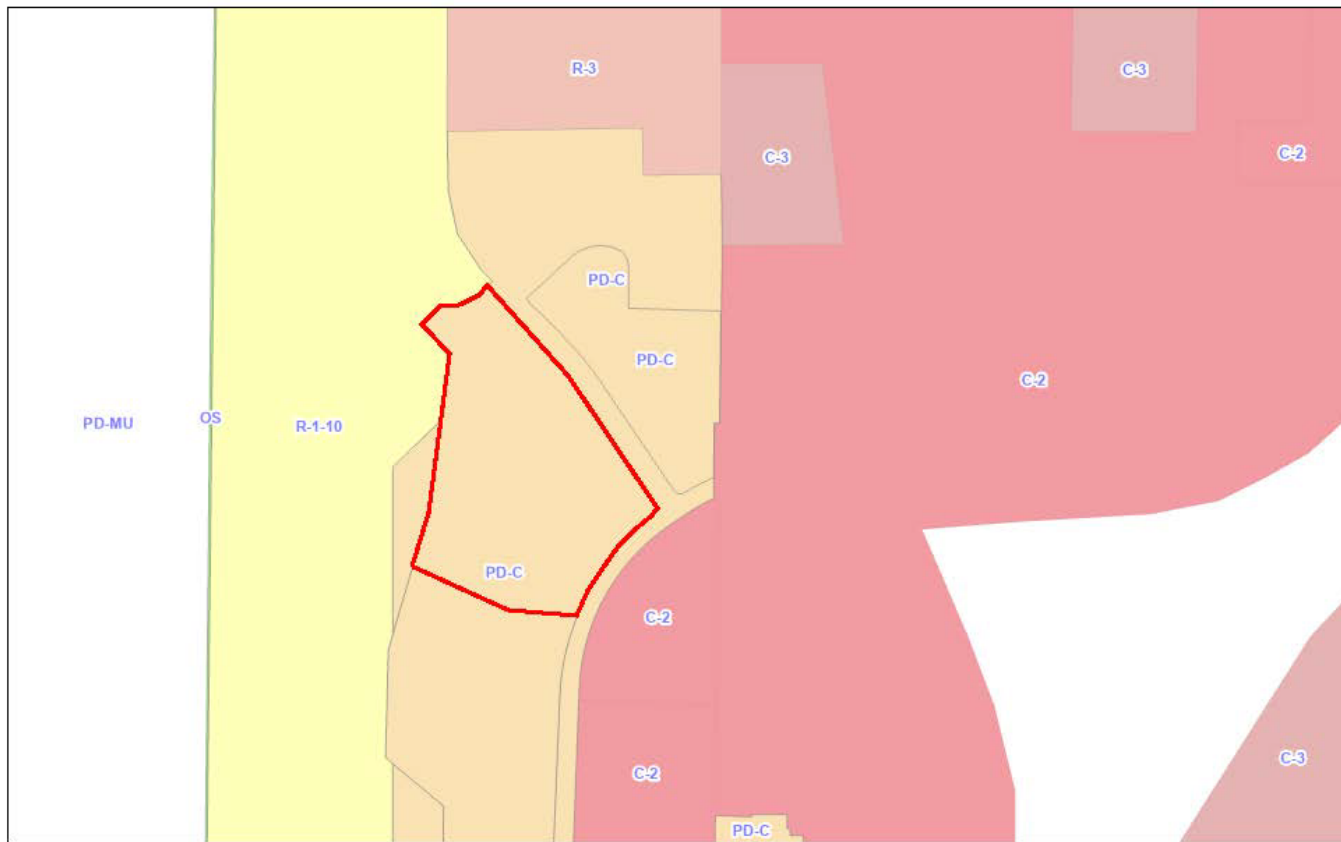
Preliminary Plat

February 14, 2023





Preliminary Plat – Delta by Marriott



Preliminary Plat – Delta by Marriott

811

Know what's below.
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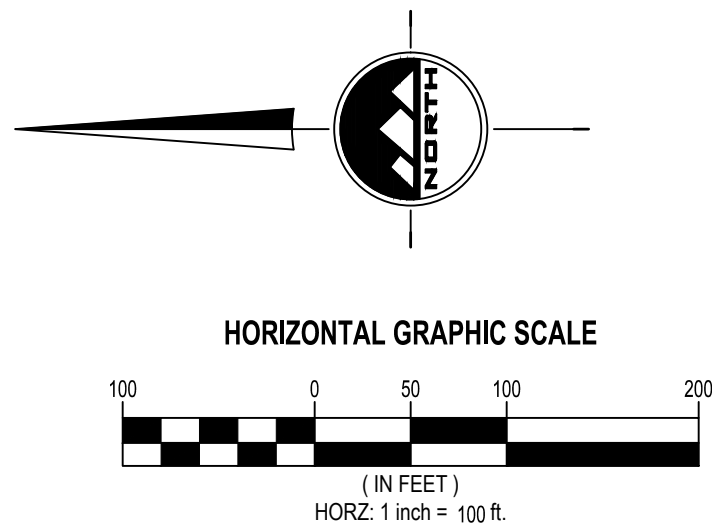
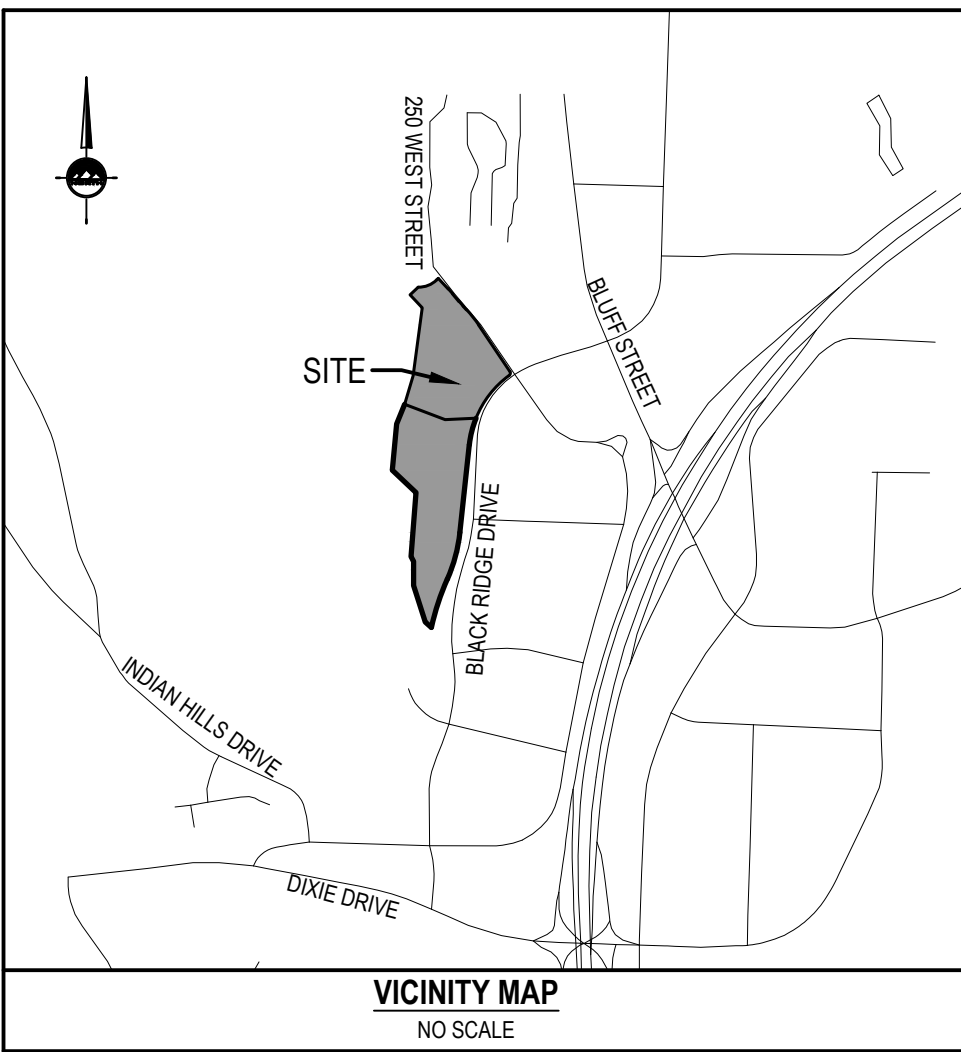
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ST GEORGE HOTEL

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36,
TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN
ST. GEORGE CITY, WASHINGTON COUNTY, UTAH
PRELIMINARY PLAT

BASIS OF BEARING

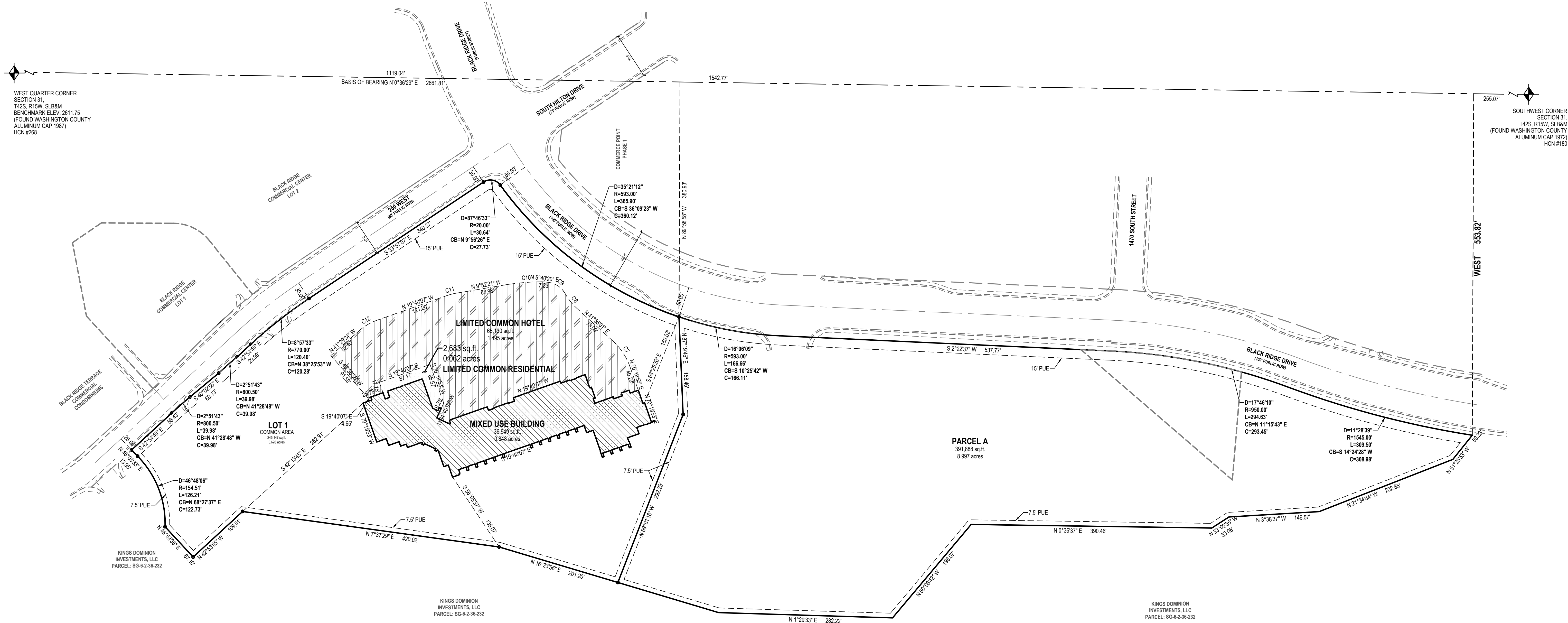
THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 00°36'29" EAST BETWEEN THE WEST QUARTER CORNER AND THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN.



LEGEND

- SET CORNER - 5/8" X 20" REBAR & PLASTIC CAP - ROSENBERG ASSOCIATES OR AS NOTED
- SECTIONAL MONUMENTATION AS SHOWN AND DESCRIBED
- SET CLASS 1 MONUMENT (RING & LID)
- SET 5/8" REBAR AND CAP, OR NAIL STAMPED "ENGIN ENG. & LAND SURV." AT ALL LOT CORNERS. OFFSET PINS TO BE PLACED IN THE BACK OF CURB WHERE APPLICABLE, IN LIEU OF REBAR AND CAP AT FRONT CORNERS.
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- MUNICIPAL UTILITY EASEMENT LINE
- GENERAL COMMON
- MIXED USE BUILDING
- LIMITED COMMON RESIDENTIAL
- LIMITED COMMON HOTEL

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C7	103.00'	51.05'	26°23'52"	N56°07'57"E	50.53'
C8	97.00'	31.30'	18°29'22"	S51°10'42"W	31.17'
C9	36.00'	36.17'	57°34'19"	N31°38'14"E	34.67'
C10	405.14'	55.53'	7°51'11"	N4°34'19"W	55.49'
C11	91.27'	12.46'	7°49'26"	N15°45'24"W	12.45'
C12	83.00'	31.61'	21°49'18"	N30°34'45"W	31.42'



DELTA BY MARRIOTT ST. GEORGE I UTAH

PHASE I

250 WEST BLACKRIDGE DR.

ST. GEORGE, UTAH (SG-6-2-36-20031)

PRELIMINARY PLAT

PROJECT NUMBER
10928

PRINT DATE
01/04/23

DRAWN BY
TMG

CHECKED BY
JTN

PROJECT MANAGER
CLN

EX-01

EN SIGN

THE STANDARD IN ENGINEERING

CEDAR CITY
88 E. Fiddlers Canyon Road
Suite 210
Cedar City, UT, 84720
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SALT LAKE CITY
Phone: 801.255.0529

TOOELE
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447 NORTH COOLEY ST.
GRANTSVILLE, UTAH 84029

CONTACT:
SHAUN@SJCOMPANY.NET
PHONE: 801-349-0761

NOTICE OF MEETING
PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH

Public Notice

Notice is hereby given that the Planning Commission of the City of St. George, Washington County, Utah, will hold a **Planning Commission** meeting in the City Council Chambers, 175 East 200 North, St George, Utah, on **Tuesday, January 24, 2023**, commencing at **4:00 p.m.**

PRESENT: Commissioner Emily Andrus
Commissioner Steve Kemp
Commissioner Nathan Fisher
Commissioner Ben Rogers
Commissioner Austin Anderson
Commissioner Lori Chapman
Bob Nicholson, Historic Preservation Commission
Bette Arial, Historic Preservation Commission
Scott Messel, Historic Preservation Commission
James Sullivan, Hillside Review Board
Dave Black, Hillside Review Board
Russ Owens, Hillside Review Board
James Dotson, Hillside Review Board
Jeff Mathis, Hillside Review Board

CITY STAFF: City Manager John Willis
Public Works Assistant Director Wes Jenkins
Deputy City Attorney Jami Bracken
Planner III Carol Davidson
Planner III Mike Hadley
Planner III Dan Boles
Development Office Supervisor Brenda Hatch

EXCUSED: Rick Atkin, Historic Preservation
Alan Carter, Historic Preservation

Chair Steve Kemp called the meeting to order. Commissioner Anderson led us in the Pledge of Allegiance.

1. BOARDS AND COMMISSIONS TRAINING

Jami Brackin presented the Open Meetings training. The training covered Open Meetings, GRAMA and Ethical issues. She presented a Power Point presentation covering the following topics.

Public Meeting v. Public Hearing
Closed Meetings
Conduct & Decorum
Case Law
GRAMA
Ethics Act

Municipal Officers & Employees Act
Utah Public Officers' & Employees Act
Conflict of Interest

2. PLANNED DEVELOPMENT AMENDMENT (PD-A) (Public Hearing) Legislative

Consider a request to amend the PD-C (Planned Development Commercial) zone for the purpose of adding a new 1,680 square foot storage building to this site which is generally located at approximately 2158 W. 1800 N. Please see map on back. The applicant is DJ Four LLC, c/o Don Ipson, and the representative is Jeff Mathis. The project name will be known as DJ4 Hobby Huts. Case No. 2023-PDA-001. (Staff – Carol Davidson)

Carol Davidson presented the following:

Carol Davidson – This is near Snow Canyon Pkwy, the PD-C is both properties, but we are not taking about the one to the west. They did provide a landscape plan most of it is existing landscape, but they will need to set this building 10 ft back and landscape that. There are 2 garage doors and 2-man doors on this there will be a light added above each. The exterior will match the existing buildings. We did receive Citizen comments. Staff does recommend approval.

Chair Kemp – I noticed that the names were redacted off of the letters.

Carol Davidson – That was done in error.

Chair Kemp – When was this approved?

Carol Davidson – It was started in 2007 and approved in 2008. It was designated as just a PD at the time. It was found to be a PD-C.

Commissioner Kemp – When were the houses approved?

Carol Davidson – They were approved after the original approval of this PD.

Jeff Mathis – This is an approved use for the zone. Once I started hearing the comments I went out there to measure. The difference between our site and the other properties is 2.5 feet lower than the adjacent properties to the north.

Chair Kemp – What are the dimensions of the building?

Jeff Mathis – 24 x 72

Commissioner Chapman – What is the height of the building?

Jeff Mathis – It was 20 ft; the midline is 18 ft.

Commissioner Chapman – Is the purpose for personal use or to rent it out?

Jeff Mathis – Personal use only.

Commissioner Rogers – Will you be using equipment to stack cars or what is the reason for the height?

Jeff Mathis – It is to store RVs, not to double stack cars.

Chair Kemp – The length as well, I would assume.

Commissioner Chapman – So the slope on the roof is just aesthetical?

Jeff Mathis – It's for drainage and waterproofing.

Chair Kemp opened the public hearing.

Jacqueline Shakespaere and Dujuan Shakespaere – We own the home directly north of Mr. Ipson. Our basic objections have to do with the current hobby huts that are there. The bottom roofline was at 16 ft. Our neighbor Mr. Harrah has pictures of what the property looks like with a base of 16 ft. We are frustrated with the impact of how grand and huge and cumbersome and obtrusive they are. And we don't want another one to be built behind us.

Chair Kemp – So you don't want to see what happened to the west of this property happening on this property.

Jacqueline Shakespaere – Yes, absolutely. And we realize that it's a little bit of a different animal, but not a lot. We realize that it's one owner, but current hobby huts are not following the rules, there are code violations that need to be handled separately. Our biggest grievance is just the proximity and the elevation, that they are so high and make such an impact and affect the sun that we are able to receive in the winter time. It takes up about a third of the yard and it's hindering vegetation and grass and stuff. Living behind them is daunting, it's obtrusive.

Dujuan Shakespaere - We can look at everything that is drawn here, but I would love to have you come out and see it in person.

Chair Kemp – I actually went out and drove by. The Planning Commissioners will take their own field trip when they're not familiar with it. And you've done a great job with your pictures and your letter. You have done a very good job of showing the angles from both sides.

Jacqueline Shakespaere – And we would just ask that you put yourself in our position as residents and homeowners. Would you want to be looking out at that building? Currently because of these hobby huts we have our blinds drawn half way most of the time as to not have to see it. You shouldn't have to draw your blinds half way to not see a building behind you.

Commissioner Fisher – If they didn't build this, and they built a 2-story building that would be allowed on this property, it would be taller than this structure and probably cast more of a shadow. Is it the use as a hobby hut or any structure that would be tall?

Jacqueline Shakespaere – We don't what the use might be in future generations. Would they partition it off and rent out each individual garage? None of us know that. We are just trying to explain what the impact is as a resident that lives behind.

Commissioner Fisher – I'm just trying to verify, are you concerned about how it will be used or are you concerned about the structure? Whether it's used as an office building, whether it's used as a garage, you don't want a structure that large in that location, is that what you're talking about?

Jacqueline Shakespaere – Correct. We don't have a problem with what he does now, he's a good neighbor to the north, excuse me, south, we're to the north.

Bret Herrod – I didn't submit a letter; I wasn't sure of the format. It's the first time I have ever done this. I did bring some photos. I am a neighbor, I'm just a couple houses down. I am weighing in on the impact of hobby huts that behind my home.

Chair Kemp – So I understand correctly, you are one of the three homes further to the west of the Shakespaere's home?

Bret Herrod – Correct.

Commissioner Fisher – When you say you want to speak to the Hobby Huts, you are not talking about this project but the Hobby Huts that are behind your property.

Bret Herrod – Correct, I want to speak to what the use can do to affect the residential. If you look at the aerial, it's predominantly residential now. As an example, to what can happen if these are not designed correctly. I did bring some photos. The residential area existed before these were built. How long is a proposed development good for if it was approved in 2007, 2008? You can see what it was like before in the photos, what it looks like from the first level and what it looks like from the second level. For us it has created a permanent shadow in the back yard. The addition of windows has had a huge impact and I don't know if they have windows planned in this one. I can't even see the sky from the first floor. From the second story you can still see the sky. I do appreciate that they put it in colors and tiles that go with the area. If we had a home behind us it would feel homier and more residential as the building would be broken by gables and roof lines.

Chair Kemp closed the public hearing.

Commissioner Fisher – The height of the hobby huts, the height isn't any different of what a two story house or a commercial building that would be permitted in this area, is that right?

Carol Davidson – Right.

Commissioner Fisher – What is the max height on a home?

Carol Davidson – 40 ft.

Discussion on when the buildings were approved.

Commissioner Chapman – I know that it goes from 16 ft to 20 ft, and I know we need slope to drain. I don't know what that slope is. If we brought that roofline down to 18 ft, would that slope work or not?

Jeff Mathis – On this one we are doing a metal roof, and we try to maintain a 3:12 slope to keep the waterproofing. We can make the metal roof go at a different slope, but we have to do a different kind of waterproofing.

Chair Kemp – You basically have to put a rubber membrane underneath and then put the metal on top of it.

Commissioner Chapman – So it's not just aesthetics, it's for the drainage of the roof?

Jeff Mathis – Yes there are some variations, but yes for the most part.

Commissioner Andrus – I think the height is not really the issue with this one in particular. I can see how the other one is massed. With what is being proposed, that is not the case. Like we discussed, this is about as short of a building as could go on that property, they could make it way higher. I feel as far as this project goes, it's about as minimal as it could be.

Commissioner Anderson – It's a tough situation when you have the PD-C on one side and the residential on the other. You've got rights on both sides. These guys have a right to do this building and that is a tough spot.

Chair Kemp – In looking at it they could have flipped it the other way and made it bigger. It feels like this is the best they could do to minimize the effect on the residential.

Commissioner Rogers – The real need for the height is to store RVs, right?

Commissioner Fisher – Yes. In Utah if you want to protect the view it has to be crafted in the CCRs or you buy the property so you can control what your view is. That is because of our state law. If you had issue with the use, that might be a different matter. I understand it is hard to have in your back yard. I can understand why it would be hard to look at the daunting back of the buildings to the north every day. Unfortunately, that is not the matter at hand. I am impressed that the owner has tried to minimize impact by turning the building and limiting the height, they obviously could have gone higher. It seems appropriate to this area to me.

Commissioner Chapman – As I'm looking at the landscape plan it looks like there are trees proposed to soften the area?

Carol Davidson – Yes, that is a requirement. We will verify that it meets code with the site plan review process.

Commissioner Chapman – Does the landscaping have to meet the ordinance today?

Carol Davidson – Yes.

MOTION: Commissioner Anderson made a motion to recommend approval of item 2 to City Council.

SECOND: Commissioner Fisher

ROLL CALL VOTE:

AYES (6)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Nathan Fisher

Commissioner Ben Rogers

Commissioner Austin Anderson

Commissioner Lori Chapman

NAYS (0)

Motion Carries unanimous vote

3. **MINUTES**

Consider a request to approve the meeting minutes from the January 10, 2023, meeting.

MOTION: Commissioner Chapman made a motion to approve the minutes.

SECOND: Commissioner Rogers

ROLL CALL VOTE:

AYES (6)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Nathan Fisher

Commissioner Ben Rogers

Commissioner Austin Anderson

Commissioner Lori Chapman

NAYS (0)

Motion Carries unanimous vote

4. **CITY COUNCIL ACTIONS**

John Willis the City Manager will report on items heard at the January 19, 2023, City Council meeting.

1. 2022-HS-019 Lot 29 of South Rim at Foremaster
2. 2023-PP-004 City Hall at Town Square

5. **ADJOURN**

MOTION: Commissioner Fisher

SECOND: Commissioner Anderson

ROLL CALL VOTE:

AYES (6)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Nathan Fisher

Commissioner Ben Rogers

Commissioner Austin Anderson

Commissioner Lori Chapman

NAYS (0)

Motion Carries unanimous vote

Open Meetings, GRAMA & Other Stuff

Training for the St. George Planning
Commission and other Committees

January 24, 2024

Jami R. Brackin

Deputy City Attorney

What We Will Cover

1. Open Meetings
2. GRAMA
3. Ethics



OPEN & PUBLIC MEETINGS



Purpose

52-4-102. Declaration of public policy.

- (1) The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business.
- (2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
 - (a) take their actions openly; and**
 - (b) conduct their deliberations openly.**

When Is It Applicable

52-4-201. Meetings open to the public -- Exceptions.

- (1) A meeting is open to the public unless closed under Sections 52-4-204, 52-4-205, and 52-4-206.
- (2)
 - (a) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.

...



NOTICE

24 hours prior to the meeting by posting:

1. On the Utah Public Notice website
2. Providing Notice to newspaper or correspondent.
3. City Hall (Principal offices)



NOTICE

Notice must include:

1. Date, Time, Place and Agenda (with reasonable specificity to notify the public as to the topics)

What about agenda materials?



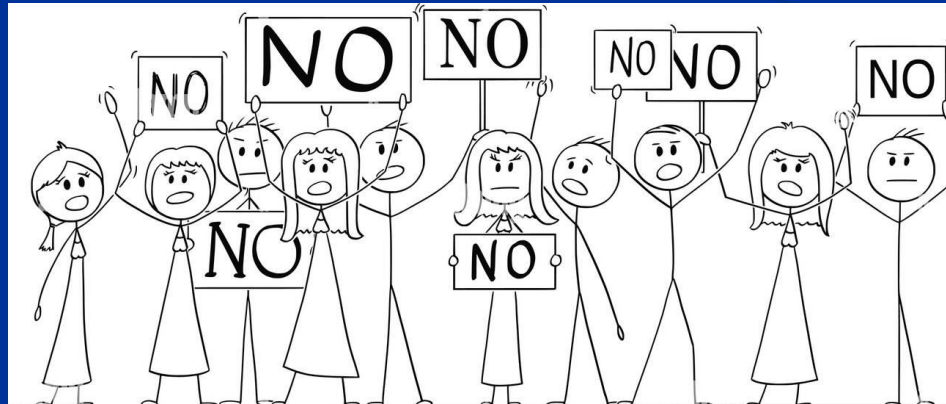
Public Meeting v. Public Hearing

Public Meetings

- Quorum of the public body
- 24-hour notice
- Public input MAY be taken but not required if comments are NOT re items on the agenda

Public Hearing

- Held during Public Meeting
- Must have 10-14 days' notice
- Comments re particular agenda item



What about....

Electronic Meetings

Allowed by Ordinance

Special Meetings

Allowed with Notice

Emergency Meetings

Allowed with Notice to the body

Closed Meeting

Allowed for appropriate reasons



City of St. George
Legal Dept.

CLOSED MEETINGS

Public Meeting may be CLOSED to discuss:

- Character & competence or health of an individual
- Collective Bargaining
- Litigation
- Real Property and water transactions
- Investigations of criminal conduct

Must have quorum present and a 2/3 majority vote to close.

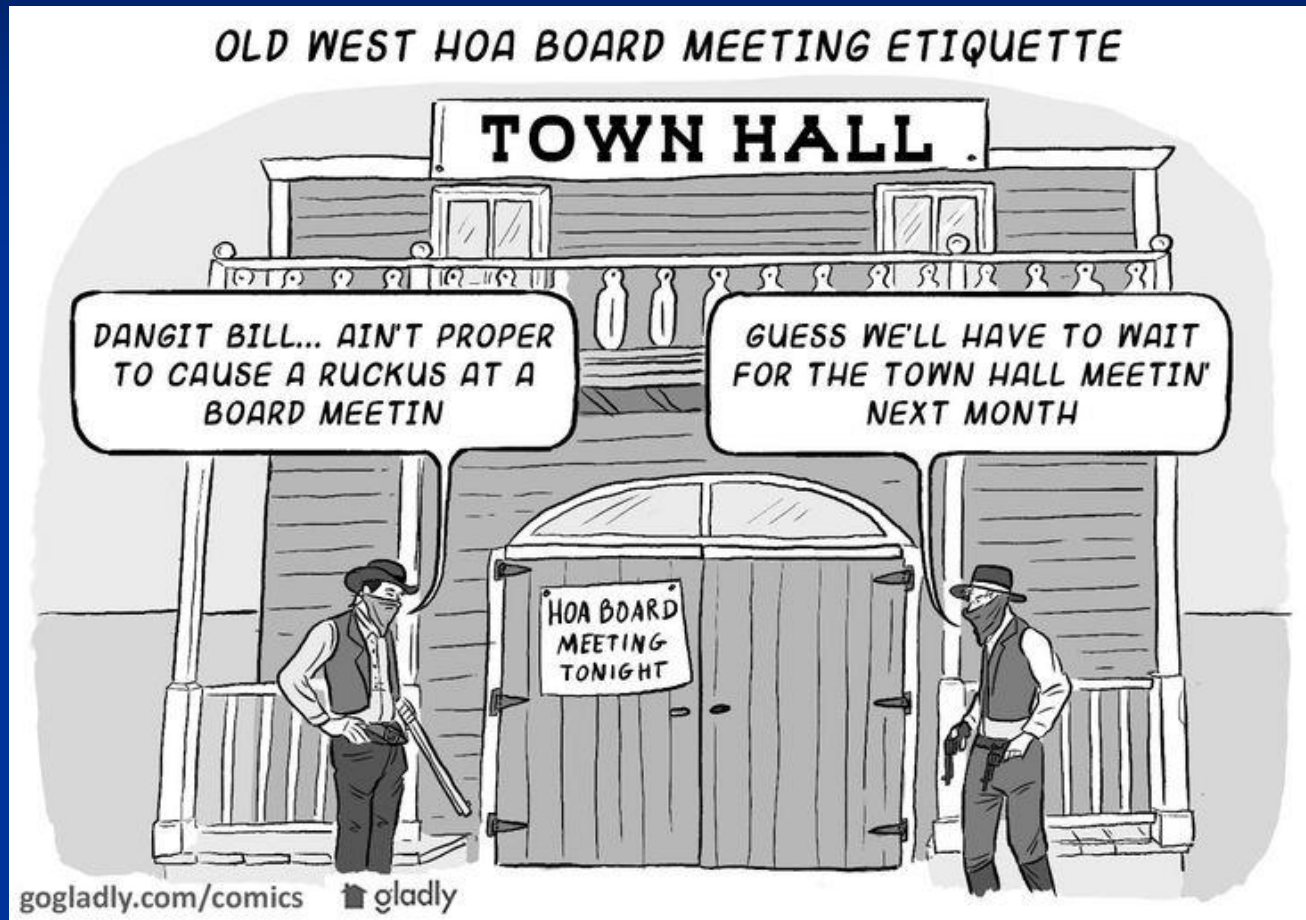
CLOSED MEETINGS (cont)

May not be used to:

- Interview applicant for elected positions or to fill vacant position;
- Approve any ordinance, resolution, rule, contract, or appointment; or
- Vote on any issue (other than to reopen)



Conduct & Decorum



Conduct & Decorum

Member of the body

May be expelled upon
2/3 majority vote

Member of the public

May be expelled upon
2/3 majority vote; OR
Police may arrest for
disorderly conduct.

MINUTES

CS232576



MINUTES

Must Include:

- Date, time, place, & members present & absent;
- The substance of all matters discussed;
- Names of citizens providing comment at public hearing AND the substance of their comments;
- Any matter the body wants to be entered into the record; and
- Record of all votes taken.
- Materials submitted at meeting

RECORDING

May be used for minutes;

Must be kept in full and unedited

Work meetings recorded

Closed meetings recorded UNLESS discussing character & competence of an individual.



CASE LAW

REMEMBER!

It is the intent of the Legislature that the state, its agencies, and its political subdivisions:

- (a) take their actions openly; and
- (b) conduct their deliberations openly.



Wallingford v. Moab City,

2020 UT App 12

“...municipalities may not contract around public hearing requirements found in statute or ordinance.”

“The grants of power to municipalities make clear that cities may not take action that is “repugnant to law,” id. § 10-8-84(1), or that is “expressly prohibited by law,” id. § 10-9a-102(2).”



Wallingford v. Moab (cont)

One type of requirement that appears in statutes and ordinances, as applicable in certain contexts, is **the requirement that municipalities conduct some of their business in public**, so that the citizens of the municipality may know how the public's business is being conducted. See, e.g., Hutchinson, 624 P.2d at 1121 (stating that “[t]he ultimate limitation upon potential abuses by local governments is the people themselves,” whose “vigilance and sound judgment” restricts and directs “all democratic governments”).



Walker v. Tooele County

(Ruling & Order) 3rd District Court, Case No. 18301487

“The Court concludes that, as a matter of law, the Tooele County Commission’s approval and execution of the Southside Agreement was illegal contract zoning.”

“Tooele County (including members of the [County] Commission) and Southside engaged in **private discussions** that produced the Southside Agreement.” – they had been doing so for 2 years.

“due process demands a new trial when the appearance of unfairness is so plain that we are left with the abiding impression that a reasonable person would find the hearing unfair.”



Summit County v. Hideout

(Order on Amended Motion to Show Cause)

4th District Court, Case no. 200500072

“...Summit County demonstrated a likelihood of success on the merits that **Hideout violated the Open and Public Meetings Act** (“OPMA”), Utah Code Ann. §§ 52-4-101, et seq., by conducting its deliberations about the July Pre-Annexation Agreement, modifications of the July Pre-Annexation Agreement, and the decision to adopt the July Pre-Annexation Agreement outside of the public meeting where the July Pre-Annexation Agreement was adopted.”



Summit County v. Hideout (cont)

“The type of harm that the provisions of that act are intended to guard against are the passage of resolutions or other decisions made by a municipal body without notice to those affected by those decisions. See Utah Code Ann. § 52-4-102 (“It is the intent of the Legislature that the state, its agencies, and its political subdivisions (a) take their actions openly; and (b) conduct their deliberations openly.”)”



GRAMA

63G-2-102. Legislative intent.

- (1) In enacting this act, the Legislature recognizes two constitutional rights:
 - (a) the public's right of access to information concerning the conduct of the public's business; and
 - (b) the right of privacy in relation to personal data gathered by governmental entities.



GRAMA

(2) The Legislature also recognizes a public policy interest in allowing a government to restrict access to certain records, as specified in this chapter, for the public good.



GRAMA

What do I need to provide if requested?

Emails: USE CITY EMAIL ADDRESS FOR ALL CITY BUSINESS

Phone logs: Cell phone logs should be retained for 3 months

Text Messages: All text messages should be retained for 3 months if related to City business.



GRAMA

(Whispers, Calls & Texts)

During the Meeting

Avoid the whispers – open deliberation required

No texting!

No emails!

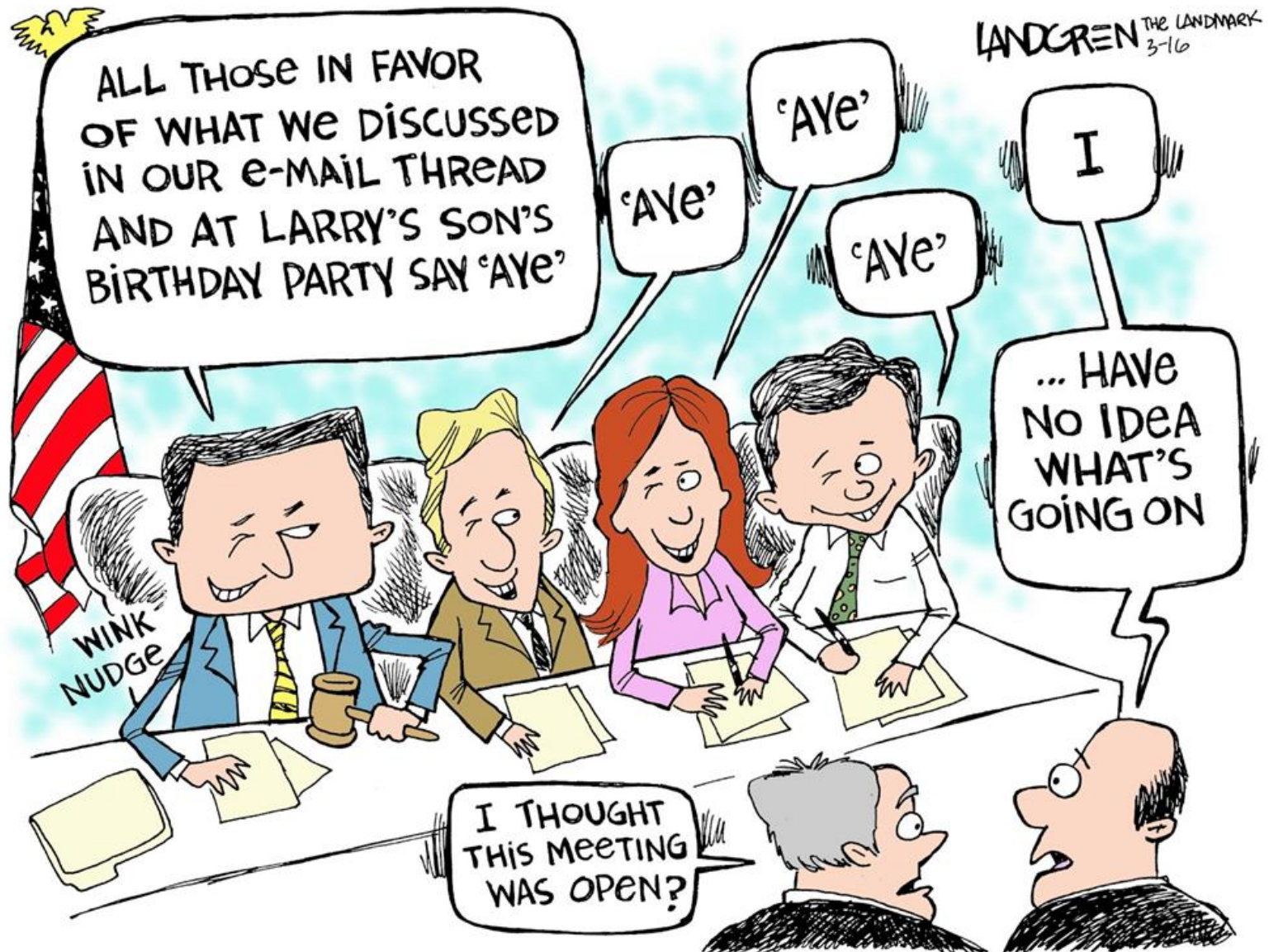
Outside of the Meeting

No Ex parte communications

No deliberations by calls or texts

Questions should be directed to staff





ALL THOSE IN FAVOR
OF WHAT WE DISCUSSED
IN OUR E-MAIL THREAD
AND AT LARRY'S SON'S
BIRTHDAY PARTY SAY 'AYE'

'AYE'

'AYE'

'AYE'

I

... HAVE
NO IDEA
WHAT'S
GOING ON

WINK
NUDGE

I THOUGHT
THIS MEETING
WAS OPEN?

ETHICS

Municipal Officers' & Employees Act

- | | |
|--|---------------------|
| • Use of office for personal benefit | Prohibited |
| • Compensation for transaction with City | Disclosure required |
| • Interest in business entity | Disclosure required |
| • Investment creating conflict | Disclosure required |

ETHICS

Utah Public Officers' & Employees Act

- Improperly disclosing information Prohibited
- Accepting Gifts Disclosure required + prohibited
- Offering donation for approval Prohibited
- Conflict of Interest Disclosure required



CONFLICT OF INTEREST

Personal investments or pecuniary interest that create conflict between personal interests and public duties

Allowed with proper disclosure

Disclosure of Private or protected information

Prohibited



QUESTIONS?



City of St. George
Legal Dept.