

Daniel J. McDonald (7935)  
dan@mcdonaldfielding.com  
Kyle C. Fielding (12088)  
kyle@mcdonaldfielding.com  
**MCDONALD FIELDING, PLLC**  
175 W. Canyon Crest Road, Suite 205  
Alpine, Utah 84004  
Telephone (801) 610-0010

*Attorneys for the City of St. George*

---

**BEFORE THE ST. GEORGE CITY BOARD OF ADJUSTMENT**

---

**In re: Application of Michael  
Jorgensen/Sober Living St. George, LLC  
for Reasonable Accommodation to Allow  
Up to 16 Unrelated Individuals to Live at  
444 S. 400 E., St. George, Utah, 84770**

**BRIEF OF ST. GEORGE CITY**

Case No. 2014-BOA-001

---

St. George City, by and through its undersigned counsel, respectfully submits this brief in opposition to the appeal by Michael Jorgensen/Sober Living St. George, LLC (“SLSG” or “Applicant”) of the City’s denial of its request to allow up to 16 unrelated individuals to live at 444 S. 400 E., St. George, Utah, 84770.

## STATEMENT OF THE CASE AND FACTUAL BACKGROUND

This is a case where SLSG was previously granted an accommodation and licensed by the City of St. George on August 8, 2011, to allow up to eight (8) unrelated persons to live at the subject property, which is located in an R-1-8 Residential Zone. This accommodation gave SLSG double the density allowed by the St. George City Code, which limits the number of unrelated persons that may live in a single dwelling to four persons. *See* Utah Code Ann. § 10-9a-505.5 and St. George City Code § 10-2-1 & § 10-7B-2 (All of the relevant code and statutory provisions cited in this brief are attached as **Exhibit 1**). On or about June 17, 2014, SLSG requested a further accommodation to allow 16 residents (**Exhibit 2**), which is double its current approved density and four times the 4-person density limitation allowed by the City Code. The City, acting through its designee, Deputy City Attorney Paula Houston, denied this request on July 16, 2014 (**Exhibit 3**), and SLSG now appeals that decision to the Board of Adjustment.

The City's denial letter stated that "[i]n order to grant an accommodation the City must have enough information to be able to determine whether the accommodation requested is reasonable, whether the accommodation requested is necessary, and whether the accommodation requested will result in a fundamental alteration in the nature of any City program or impose an undue burden upon the City" and concluded, "Based upon the ... information provided by the applicant, the City respectfully denies SLSG's request for an additional accommodation." (Ex. 3 at p. 2.) In other words, the Applicant failed to meet its burden of demonstrating that an accommodation was necessary or reasonable under the fair housing laws. The issue now before the Board of Adjustment is whether the City erred in its determination that the Applicant failed to demonstrate that further accommodation was required by law.

## **BURDEN OF PROOF**

The Applicant has the burden of proof in this case. Under the federal Fair Housing Act, it is the Applicant's burden "to demonstrate its ... need for the accommodation to the City." *Keys Youth Servs., Inc. v. City of Olathe*, 248 F.3d 1267, 1275 (10<sup>th</sup> Cir. 2001). The United States Court of Appeals for the Tenth Circuit—the federal appeals court with jurisdiction over Utah—has made it very clear that a City "cannot be liable for refusing to grant a reasonable and necessary accommodation if the City never knew the accommodation was in fact necessary." *Id.* The Applicant is charged with responsibility for understanding its burdens and obligations under federal law. It is the Applicant's responsibility to seek out and study the requirements of federal law and then present sufficient evidence to the City that complies with those requirements.

Under state law, on a land use appeal "[t]he appellant has the burden of proving that the land use authority erred." Utah Code Ann. § 10-9a-705. Under the City Code, "[t]he applicant shall bear the burden of proving that all of the conditions justifying a variance have been met." St. George City Code § 10-3-6.C.6.

## **STANDARD OF REVIEW**

The board of adjustment is the "appeal authority" and, under state law, "the appeal authority shall review the matter de novo." Utah Code Ann. § 10-9a-707(2). "The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance." *Id.* § 10-9a-707(3). "The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement or determination of any ... administrative official, or to decide in favor of the appellant on any

matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.” St. George City Code § 10-3-8.

## ANALYSIS

### I.

#### OVERVIEW OF THE FAIR HOUSING ACT

Because SLSG’s request for accommodation from the City’s ordinances is ultimately driven and governed by federal law, it is critical to understand the basic contours of the federal Fair Housing Act (“FHA”).<sup>1</sup> The explanation of the FHA contained in the Applicant’s appeal does not accurately reflect the current state of the law. The most recent cases cited by the Applicant are 14 years old. Most of the cases cited are from the 1990s. The law has evolved since then. Accordingly, the City will endeavor, in this section, to give the Board a current overview and framework for the law, followed by a discussion as to how it applies to the facts of this case. Most of the cases discussed are from the United States Supreme Court or the federal appeals courts, which are just a rung down from the United States Supreme Court.

The FHA prohibits discrimination against persons with handicaps and provides that discrimination includes “a refusal to make reasonable accommodations ... when such

---

<sup>1</sup> The Americans with Disabilities Act also applies. The ADA provides (similarly to the FHA) that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. Although differences exist between the two acts, *see, e.g., Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1212 n.6 (11th Cir. 2008), it should be noted that the definition of “disability” and “handicap” under each of the acts is the same. *See Bragdon v. Abbott*, 524 U.S. 624, 644-45 (1998). Thus, courts construing each of the acts have generally applied the same analytical framework. *See, e.g., Gamble v. City of Escondido*, 104 F.3d 300, 305 (9th Cir. 1997) (applying the *McDonnell Douglas/Burdine* test to claim under FHA and FHAA); *Durley v. APAC, Inc.*, 236 F.3d 651, 657 (11th Cir. 2000) (applying the *McDonnell Douglas* framework for ADA claim).

accommodations may be necessary to afford such person *equal* opportunity to use and enjoy a dwelling,” 42 U.S.C.A. § 3604(f)(3)(B) (emphasis added). However, the FHA is not some omnipotent trump card that renders cities and counties impotent to enforce their zoning laws; nor does the FHA automatically waive local zoning laws whenever a person with a disability asks for an accommodation.

The United States Supreme Court and federal appellate courts continue to recognize that “[l]and use planning and the adoption of land use restrictions constitute some of the most important functions performed by local government.” *Bryant Woods Inn, Inc. v. Howard County*, 124 F.3d 597, 603 (4<sup>th</sup> Cir. 1997) (citing *FERC v. Mississippi*, 456 U.S. 742, 768 n. 30, 102 S.Ct. 2126, 2141 n. 30, 72 L.Ed.2d 532 (1982) (“regulation of land use is perhaps the quintessential state activity”). These courts continue to recognize that local land use ordinances may legitimately be enforced “to preserve ‘the character of neighborhoods, securing “zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.””” *Id.* (quoting *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 732-33, 115 S.Ct. 1776, 1780, 131 L.Ed.2d 801 (1995) (quoting *Village of Belle Terre v. Boraas*, 416 U.S. 1, 9, 94 S.Ct. 1536, 1541, 39 L.Ed.2d 797 (1974))). Cities may therefore have and enforce ordinances that accomplish such purposes without fear or recrimination or liability under federal or state statutes.

For example, in *Bryant Woods Inn, Inc. v. Howard County*, a Fourth Circuit decision heavily relied upon by the Tenth Circuit in its most recent Fair Housing Act decision, *Cinnamon Hills Youth Crisis Center, Inc. v. Saint George City*, 685 F.3d 917, 923 (10<sup>th</sup> Cir. 2012), the court denied a similar request to expand a group home from 8 to 15 residents and emphasized:

In enacting the FHA, Congress clearly did not contemplate abandoning the deference that courts have traditionally shown to such local zoning codes. And the FHA does not provide a “blanket waiver of all facially neutral zoning policies and rules, regardless of the facts,” *Oxford House, Inc. v. City of Virginia Beach*, 825 F.Supp. 1251, 1261 (E.D.Va.1993), which would give the disabled “carte blanche to determine where and how they would live regardless of zoning ordinances to the contrary,” *Thornton v. City of Allegan*, 863 F.Supp. 504, 510 (W.D.Mich.1993). Seeking to recognize local authorities' ability to regulate land use and without unnecessarily undermining the benign purposes of such neutral regulations, Congress required only that local government make “reasonable accommodation” to afford persons with handicaps “equal opportunity to use and enjoy” housing in those communities. 42 U.S.C. § 3604(f)(3)(B).

*Bryant Woods Inn*, 124 F.3d at 603.

In short, the anti-discrimination laws are *not* federal zoning laws. They are laws designed to prevent discrimination in housing, which only occurs when similarly situated groups of disabled people are deprived of housing opportunities that are available to similarly situated groups of non-disabled people. The City may enforce its zoning laws so long as it does not result in *that* type of discrimination.

#### **A. Definition of “handicapped”**

Typically residents who have professionally recognized psychiatric or psychological diagnoses or learning disabilities constituting varying degrees of mental or emotional impairment or illness that interfere with, *inter alia*, the ability to work, enjoy normal social relationships, communicate, learn or study are considered handicapped or disabled and have qualifying disabilities under the FHA, ADA or RA. *See, e.g., United States v. Massachusetts Indus. Finance Agency*, 910 F. Supp. 21, 26 (D. Mass. 1996) (finding adolescents suffering from “professionally recognized psychiatric diagnoses” that substantially limit their ability to work and learn in a regular environment qualify as handicapped under the FHA).

However, a specific diagnosis is not required to meet the broad definition of a handicap or disability. Section 3602(h) of the FHA provides

“Handicap” means, with respect to a person—  
(1) a physical or mental impairment which substantially limits one or more of such person’s major life activities,  
(2) a record of having such an impairment, or  
(3) being regarded as having such an impairment,  
but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).

42 U.S.C.A. § 3602(h).

The federal regulations promulgated under the FHA further define “handicap” as including “*any* mental or psychological disorder, such as ... emotional or mental illness, and specific learning disabilities.” 24 C.F.R. § 100.201(a)(2) (emphasis added). Those regulations also list “drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism” as qualifying for a “handicap.” *Id.* The definition of “major life activities” includes “caring for one’s self” and “learning.” *Id.* § 100.201(b). Definitions under the RA and ADA mirror these definitions.

### **B. What is an “accommodation”?**

As the Tenth Circuit has identified, “the thrust of a reasonable accommodation claim is that a defendant must make an affirmative change in an otherwise valid law or policy.” *Bangerter v. Orem City Corp.*, 46 F.3d 1491, 1501-02 (10th Cir. 1995). This means that if the Board of Adjustment finds that an accommodation is necessary or reasonable and would not fundamentally alter the nature of a City program or impose an undue burden upon the City, it may waive the requirements of the ordinance that would otherwise prohibit the desired use. The Board has the power to ignore the 4-person limitation found in St. George City Code § 10-2-1 &

§ 10-7A-2 if it finds that allowing 16 residents is necessary and reasonable to afford persons with a disability a housing opportunity that is available to similarly situated unrelated persons without disabilities.

### C. When is an accommodation “necessary”?

The goal of housing discrimination laws is to afford *equal* housing opportunities to persons with disabilities. As the Tenth Circuit most recently explained in *Cinnamon Hills*, 685 F.3d at 923:

the FHA's necessity requirement doesn't appear in a statutory vacuum, but is expressly linked to the goal of “afford[ing] ... equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B). And this makes clear that the object of the statute's necessity requirement is a level playing field in housing for the disabled. Put simply, the statute requires accommodations that are necessary (or indispensable or essential) to achieving the objective of equal housing opportunities between those with disabilities and those without.

*Id.* According to the Tenth Circuit, “the point of the reasonable accommodation mandate” is “to require changes in otherwise neutral policies that preclude the disabled from obtaining ‘the *same* ... *opportunities* that those without disabilities automatically enjoy.’” *Id.* However,

while the FHA requires accommodations necessary to ensure the disabled receive the *same* housing opportunities as everybody else, it does not require *more* or *better* opportunities.

*Id.*

As the Eleventh Circuit explained in *Schwarz*, 544 F.3d at 1216-17:

The word “equal” is a relative term that requires a comparator to have meaning. In this context, “equal opportunity” can only mean that handicapped people must be afforded the same (or “equal”) opportunity to use and enjoy a dwelling as non-handicapped people, which occurs when accommodations address *the needs created by the handicaps*. If accommodations go beyond addressing these needs and start addressing problems not caused by a person's handicap, then the handicapped person would receive not an “equal,” but rather a better opportunity

to use and enjoy a dwelling, a preference that the plain language of this statute cannot support.

*Id.* at 1226.

Consequently, in determining whether an accommodation is necessary, the relevant inquiry is whether failure to grant the requested accommodation “hurts handicapped people *by reason of their handicap*, rather than . . . by virtue of what they have in common with other people.” *Wisconsin Cmty. Servs., Inc. v. City of Milwaukee*, 465 F.3d 737, 752 (7th Cir. 2006) (*en banc*) (alterations in original). The *Wisconsin Community Services* causation analysis was expressly adopted by the Tenth Circuit in *Cinnamon Hills* and has been applied consistently and uniformly by appellate courts throughout the country.<sup>2</sup>

The causation requirement found in these cases essentially asks the following three interrelated questions to help guide courts and decision makers in determining whether an accommodation is “necessary” under the statute:

- (1) Is there a comparable housing opportunity to begin with?<sup>3</sup>

---

<sup>2</sup> See, e.g., *Cinnamon Hills*, 685 F.3d at 924; *Lapid-Laurel, LLC v. Zoning Bd. of Adjustment*, 284 F.3d 442, 459 (3d Cir. 2002) (“[T]he plaintiff in [a] . . . reasonable accommodations case must establish a nexus between the accommodations that he or she is requesting, and their necessity for providing handicapped individuals an ‘equal opportunity’ to use and enjoy housing.”); *Bryant Woods Inn*, 124 F.3d at 604 (“The ‘necessary’ element . . . requires the demonstration of a direct linkage between the proposed accommodation and the ‘equal opportunity’ to be provided to the handicapped person. This requirement has attributes of a causation requirement.”); *Smith & Lee Assoc. v. City of Taylor*, 102 F.3d 781, 795 (6th Cir. 1996) (“Plaintiffs must show that, but for the accommodation, they likely will be denied an equal opportunity to enjoy the housing of their choice.”)

<sup>3</sup> See *Forest City Daly Housing, Inc. v. Town of North Hempstead*, 175 F.3d 144, 152 n.9 (2d Cir. 1999) (holding that, “if there were no concurrent housing opportunities for non-disabled individuals, then defendants were not required to make reasonable accommodations in order to create such opportunities for disabled persons.”)

- (2) Does the failure to accommodate the rule in question hurt handicapped people by reason of their handicap, rather than by virtue of what they have in common with other people?<sup>4</sup>
- (3) Will the requested accommodation ameliorate the effect of the plaintiff's disability so that he or she may compete equally with the non-disabled in the housing market?<sup>5</sup>

Because “a refusal to make reasonable accommodations” constitutes discrimination only “when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling,” 42 U.S.C.A. § 3604(f)(3)(B), courts in the Tenth Circuit analyze the question of whether an accommodation is “necessary” *before* analyzing whether it is “reasonable.” *See Cinnamon Hills*, 685 F.3d at 922-24 (holding that an accommodation request failed entirely on the “necessary” prong of the analysis).

#### **D. When is an accommodation “reasonable”?**

“An ‘[a]ccommodation is not reasonable if it either (1) imposes undue financial and administrative burdens on a [city] or (2) requires a fundamental alteration in the nature of [a] program.’” *Schwarz*, 544 F.3d at 1220 (quoting *Sch. Bd. of Nassau Cty. v. Mr. Harperine*, 480 U.S. 273, 288 n. 17, 107 S.Ct. 1123, 94 L.Ed.2d 307 (1987) (quotation marks, alteration, and citations omitted)). In assessing whether an accommodation is reasonable, “a court may consider as factors the extent to which the accommodation would undermine the legitimate purposes and

---

<sup>4</sup> *See Wisconsin Cmty. Servs.*, 465 F.3d at 754 (reversing district court’s summary judgment in favor of an inpatient treatment facility, reasoning that the treatment program’s “inability to meet the City’s special use criteria appears due not to its client’s disabilities but to its plan to open a non-profit health clinic in a location where the City desired a commercial, taxpaying tenant instead”).

<sup>5</sup> *See Bronk v. Ineichen*, 54 F.3d 425, 429 (7th Cir. 1995) (“[T]he concept of necessity requires *at a minimum* the showing that the desired accommodation will affirmatively enhance a disabled plaintiff’s quality of life by ameliorating the effects of the disability.” (emphasis added).)

effects of existing zoning regulations . . . .” *Bryant Woods Inn*, 124 F.3d at 604. The basic purpose of zoning is to bring complementary land uses together, while separating incompatible ones. *See Vill. of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388, 47 S.Ct. 114, 71 L.Ed. 303 (1926) (“A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.”). “Thus, ordering a municipality to waive a zoning rule ordinarily would cause a ‘fundamental alteration’ of its zoning scheme if the proposed use was incompatible with surrounding land uses.” *Schwarz*, 544 F.3d at 1221. “On the other hand, if the proposed use is quite similar to surrounding uses expressly permitted by the zoning code, it will be more difficult to show that a waiver of the rule would cause a ‘fundamental alteration’ of the zoning scheme.” *Id.*

## II.

### **SLSG HAS FAILED TO CARRY ITS BURDEN OF SHOWING THAT THE REQUESTED ACCOMMODATION IS “NECESSARY”**

The foregoing general FHA principals will now be applied in this section of the brief. The term “necessary” under the FHA is a term of art that is loaded with meaning, forged by years of litigation in the federal courts. An accommodation is not “necessary” just because an applicant claims that it is. It is “necessary” only when an applicant meets the standards set forth in the FHA regulations and case law.

SLSG has not even attempted to demonstrate that an accommodation is “necessary,” as defined by those authorities—meaning, without an accommodation, its proposed residents will be deprived of an equal housing opportunity. Perhaps this is because SLSG *cannot* satisfy this element. Among other things, there are no comparable housing opportunities for the non-

disabled in the R-1-8 zone. Also, SLSG has failed to show that the residents' disabilities (as opposed to conditions they share with non-disable people, such as being unrelated or having limited amounts of money) is the cause in fact of their inability to obtain equal housing. Simply put, SLSG has failed to meet its burden of demonstrating that an accommodation is "necessary to afford [the proposed SLSG residents] an equal opportunity to use and enjoy a dwelling," 42 U.S.C.A. § 3604(f)(3)(B), as the terms "necessary" and "equal opportunity" have been defined in the case law.<sup>6</sup>

**A. There are no comparable housing opportunities**

SLSG cannot demonstrate that an accommodation is "necessary" because no comparable housing opportunity exists in this zone for groups of 16 unrelated, non-disabled people. The City's limit of four unrelated people that may live together in a single dwelling is not

---

<sup>6</sup> See *Keys Youth Servs. v. City of Olathe*, 75 F.Supp.2d 1235, 1247 (D. Kan. 1999) ("*Keys IV*"), *aff'd in part, rev'd in part*, *Keys Youth Servs. v. City of Olathe*, 248 F.3d 1267 (10<sup>th</sup> Cir. 2001) (applicant has the burden of demonstrating necessity). See also *Cinnamon Hills Youth Crisis Center, Inc. v. Saint George City*, 685 F.3d 917, 923 (10<sup>th</sup> Cir. 2012) ("while the FHA requires accommodations necessary to ensure the disabled receive the *same* housing opportunities as everybody else, it does not require *more or better* opportunities"); *Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1216-17 (11<sup>th</sup> Cir. 2008) (when accommodations go beyond addressing "*the needs created by the handicaps*" and "start addressing problems not caused by a person's handicap, then the handicapped person would receive not an 'equal,' but rather a better opportunity to use and enjoy a dwelling, a preference ... the plain language of this statute cannot support"); *Wisconsin Cmty. Servs., Inc. v. City of Milwaukee*, 465 F.3d 737, 752 (7<sup>th</sup> Cir. 2006) (*en banc*) (applicant must show that failure to grant an accommodation "hurts handicapped people by reason of their handicap, rather than ... by virtue of what they have in common with other people"); *Lapid-Laurel, LLC v. Zoning Bd. of Adjustment*, 284 F.3d 442, 459 (3<sup>d</sup> Cir. 2002) ("[T]he plaintiff in [a] ... reasonable accommodations case must establish a nexus between the accommodations that he or she is requesting, and their necessity for providing handicapped individuals an 'equal opportunity' to use and enjoy housing."); *Forest City Daly Housing, Inc. v. Town of North Hempstead*, 175 F.3d 144, 152 n.9 (2<sup>d</sup> Cir. 1999) (holding that, "if there were no concurrent housing opportunities for non-disabled individuals, then defendants were not required to make reasonable accommodations in order to create such opportunities for disabled persons."); *Bryant Woods Inn, Inc. v. Howard County*, 124 F.3d 597, 603-04 (4<sup>th</sup> Cir. 1997) ("The 'necessary' element ... requires the demonstration of a direct linkage between the proposed accommodation and the 'equal opportunity' to be provided to the handicapped person. This requirement has attributes of a causation requirement."); *Bangerter v. Orem City Corp.*, 46 F.3d 1491, 1501-02 (10<sup>th</sup> Cir. 1995) ("If Bangerter cannot show that group homes for the non-handicapped are permitted in Orem ... he will have failed to show that he has suffered differential treatment when compared to a similarly situated group, and his claims will fail under the FHAA.").

discriminatory because it would prohibit *any* group of 16 unrelated people, regardless of disability, from living together in a single dwelling. These types of restrictions on the number of unrelated people that may live together have been routinely upheld by the courts. For example, in upholding the definition of a “family” that limited the number of unrelated people who could live together at two, the United States Supreme Court, in *Village of Belle Terre*, 416 U.S. at 9, recognized the problems that congregate living arrangements create (regardless of disability) and the legitimate zoning interests that cities have in regulating them, explaining:

The regimes of boarding houses, fraternity houses, and the like present urban problems. More people occupy a given space; more cars rather continuously pass by; more cars are parked; noise travels with crowds.

A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land use project addressed to family needs. This goal is a permissible one . . . . The police power is not confined to elimination of filth, stench, and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.

*Id.*

Therefore, the four-person limitation is presumptively valid under traditional zoning law analysis. Under the four-person limitation, if a group of four unrelated handicapped or non-handicapped people wanted to live at the property they could. However, if 16 missionaries without disabilities wanted to live together at the property they could not. If 16 college freshman or a group of 16 friends without disabilities wanted to live together at the property they could not. Thus, SLSG is really seeking a preferential housing opportunity that is not available to similarly situated groups of unrelated, non-disabled people.

In *Bangerter*, 46 F.3d at 1502, the Tenth Circuit held, if the petitioner could not “show that group homes for the non-handicapped are permitted in Orem ... he will have failed to show that he has suffered differential treatment when compared to a similarly situated group, and his claims will fail under the FHAA.” *Id.* The *Bangerter* case and its group-home-to-group-home comparison rule<sup>7</sup> was expressly reaffirmed in *Cinnamon Hills* where the court held that there was no discrimination by St. George City because no other group living arrangements for the non-disabled were allowed on the top floor of a motel where the treatment facility in that case desired to locate. *See Cinnamon Hills*, 685 F.3d at 920-21. In affirming the dismissal of the claims against St. George City, the Tenth Circuit said, “when there is no comparable housing opportunity for non-disabled people, the failure to create an opportunity for disabled people cannot be called necessary to achieve equality of opportunity in any sense.” *Id.*

In sum, if SLSG can demonstrate that other congregate living arrangements of 16 or more non-disabled, unrelated people are allowed in the R-1-8 zone then the FHA might require the City to accommodate its request to the extent it was reasonable, as such an accommodation would have been “necessary to afford [a disabled] person *equal* opportunity to use and enjoy a dwelling,” under 42 U.S.C. § 3604(f)(3)(B) (emphasis added). However, because there are no

---

<sup>7</sup> The rule has its origins in disparate impact and disparate treatment analysis, which is cited here. However, the three main theories of liability under the FHA—disparate treatment, disparate impact and failure to accommodate—are merely three paths to the same objective, which is avoiding discrimination and achieving equality of opportunity. Given the goals of the FHA, it makes no sense to use a group-living-to-group-living comparison under a disparate treatment or disparate treatment analysis but then switch to a group-living-to-single-family comparison under a failure to accommodate analysis. If treating a group home differently from a single family residence under a disparate treatment or disparate impact analysis would not result in discrimination (because a single family residence is *not* similarly situated to a group living arrangement) then why should it result in discrimination under a reasonable accommodation analysis?

such comparable housing opportunities for groups of 16 unrelated, non-disabled people to live together in this zone, such an accommodation was not “necessary.”

The fact that the City’s zoning ordinance already facially *favours* those with disabilities by allowing groups of up to 8 disabled people to live together in the R-1-8 zone<sup>8</sup> does not mean that the City is obligated to favor SLSG even more by creating yet more housing opportunities that do not exist for similarly situated groups of non-disabled people.

**B. There is no evidence that the SLSG’s residents’ disabilities are the cause-in-fact of their inability to obtain a suitable facility**

As *Cinnamon Hills* clarified, in order to demonstrate the “necessity” of an accommodation, there must be evidence “that the disabled, *because of* their disabilities, are ... less able to take advantage” of housing opportunities “than the non-disabled.” *Cinnamon Hills*, 685 F.3d at 924. In adopting this rule of causation, the Tenth Circuit expressly adopted the *en banc* analysis of the Seventh Circuit in *Wisconsin Community Servs.*, 465 F.3d 737, where the court held that the City of Wisconsin was not required to waive its conditional use permit requirements to allow a proposed mental health clinic in an area of the city where health clinics were permitted only on a case-by-case basis. In the *Wisconsin Community Services* case, the treatment facility wanted to locate its facility in a zone that allowed “foster homes, shelter care

---

<sup>8</sup> In this sense, the City Code appears to *exceed* the requirements of federal and state law by giving groups of unrelated, but disabled or handicapped, persons preferential treatment. Under the City’s zoning scheme, if the unrelated individuals have a disability or handicap, the City automatically accommodates them by allowing a residential facility for persons with a disability located in a residential zone to house up to eight (8) unrelated persons. See St. George City Code § 10-14-21. Again, if a group of 8 missionaries without disabilities wanted to live together at the property they could not. If a group of 8 college freshman or a group of 8 friends without disabilities wanted to live together at the property they could not. But if 8 disabled or handicapped people wanted to live under one roof they would be permitted to do so. Consequently, the City has already accommodated the owners of this property for years, allowing 8 unrelated, disabled or handicapped individuals to live there.

facilities, community living arrangements and animal hospitals either as ‘permitted’ or ‘limited’ (no special approval required) uses,” *id.* at 741, and essentially asked that it be treated the same as these facilities by having the City of Milwaukee waive the “special use”<sup>9</sup> conditions contained in its zoning ordinance. The City refused. *Id.* at 744. The treatment facility’s desire for this particular site was motivated largely by economic concerns rather than any linkage between the physical attributes of the desired site and its patients’ disabilities.

For example, the record indicated that the treatment facility (“WCS”) needed the space because its current space was overcrowded, a remodel of its current space would be too costly, *id.* at 741, and “suitably zoned” alternatives “were either unavailable or too costly,” *id.* at 744. *See also Id.* at 754 (citing *Giebel v. M&B Assocs.*, 343 F.3d 1143 (9<sup>th</sup> Cir. 2003)). But because these economic realities were not caused by the residents’ disabilities the court held that no accommodation was necessary as “the mental illness of WCS’ patients is not the cause-in-fact of WCS’ inability to obtain a suitable facility” and, therefore “does not hurt persons with disabilities ‘by reason of their handicap.’” *Id.* (citing *Hemisphere Bldg. Co. v. Vill. of Richton Park*, 171 F.3d 437, 440 (7<sup>th</sup> Cir. 1999) (emphasis in original)).

The rationale of *Wisconsin Community Services* would require SLSG to demonstrate that it needs 16 (as opposed to 8) residents at the property due to the disabilities of its residents and *not* due to reasons unrelated to the residents’ disabilities, such as the economic situation of the developer, the developer’s desire to make a profit, or the unavailability or costliness of suitably-zoned or suitably-located alternatives. As the Seventh Circuit clarified:

---

<sup>9</sup> It appears that a “special use” in Milwaukee is akin to the more familiar “conditional use” concept utilized in Utah, which is a more highly-regulated use than a permitted use.

The “equal opportunity” element limits the accommodation duty so that not every rule that creates a general inconvenience or expense to the disabled needs to be modified. Instead, the statute requires only accommodations necessary to ameliorate the effect of the plaintiff’s disability so that she may compete equally with the non-disabled in the housing market. We have enforced this limitation by asking whether the rule in question, if left unmodified, hurts “handicapped people *by reason of their handicap*, rather than . . . by virtue of what they have in common with other people, such as a limited amount of money to spend on housing.” See *Hemisphere Bldg. Co. v. Vill. of Richton Park*, 171 F.3d 437, 440 (7th Cir. 1999) (emphasis in original).

*Id.* at 749.

The *Wisconsin Community Servs.* decision relied on a prior Seventh Circuit decision explaining how disruptive and absurd it would be if accommodations turned on factors other than the applicant’s disabilities, such as the individual financial situation of the handicapped applicants (or the profitability of the developers that run them) rather than a causal analysis of whether the rule in question (*i.e.*, a no elevator policy) hurts handicapped people by virtue of their handicap (*i.e.*, being wheelchair bound):

To require consideration of handicapped people's financial situation would allow developers of housing for the handicapped to ignore not only the zoning laws, but also a local building code that increased the cost of construction, or for that matter a minimum wage law, or regulations for the safety of construction workers. Anything that makes housing more expensive hurts handicapped people; but it would be absurd to think that the FHAA overrides all local regulation of home construction. This is true whether the argument is made in the name of accommodation or--what for all practical purposes is the same thing, though it is confusingly treated as separate in some FHAA cases....

....

The result that we have called absurd is avoided by confining the duty of reasonable accommodation in “rules, policies, practices, or services” to rules, policies, etc. that hurt handicapped people by reason of their handicap, rather than that hurt them solely by virtue of what they have in common with other people, ***such as a limited amount of money to spend on housing.***

*Hemisphere Bldg. Co.*, 171 F.3d at 440 (emphasis added).

Similarly, in *Bryant Woods Inn*, 124 F.3d 587, the Fourth Circuit, in affirming the county's denial of a requested expansion of a group home from 8 to 15 residents due to financial considerations, exposed the inherent flaws with such a rationale as having no limits and being completely incompatible with the goal of achieving *equal* housing opportunities:

If [the group home's] position were taken to its limit, it would be entitled to construct a 10-story building housing 75 residents, on the rationale that the residents had handicaps.

The only suggestion in the record of advantage from the proposed expansion is that it will financially assist [the group home operator] as a for-profit corporation. But the proper inquiry is not whether “a particular profit-making company needs such an accommodation .... Otherwise, by unreasonably inflating costs, one business would get such an accommodation while another, better run, did not.”

....

Were we to require Howard County to grant a zoning variance to allow Bryant Woods Inn to expand its group home from 8 to 15 residents ... and not to require the county to grant a similar waiver for group homes not involving handicapped persons, the benefit would advantage Bryant Woods Inn on a matter unrelated to the amelioration of the effects of a handicap. This would provide not an equal opportunity to Bryant Woods Inn's residents but a financial advantage to Bryant Woods Inn. ***Yet, the FHA only requires an “equal opportunity,” not a superior advantage.***

*Id.* at 605 (emphasis added, citations omitted).

By adopting the *Wisconsin Community* and *Bryant Woods Inn* rationales in *Cinnamon Hills*, the Tenth Circuit, which governs this jurisdiction, has followed the line of cases which require an applicant to show that the challenged ordinance would hurt handicapped people by reason of their handicap, rather than hurt them solely by virtue of what they have in common with other people. These cases recognize the reality that “the law addresses the accommodation

of handicaps, not the alleviation of economic disadvantages that may be correlated with having handicaps.” *Salute v. Stratford Greens Garden Apartments*, 136 F.3d 293, 301 (2d Cir. 1998).

There is simply no evidence presented by SLSG that a further accommodation is necessitated by the residents’ disabilities. There is no evidence that the SLSG’s residents’ specific disabilities or handicaps require that the home now be occupied by 16 instead of 8 residents. Relying on outdated case law from other jurisdictions, the Applicant suggests that the courts simply take it on faith that all persons with handicaps need group living. But that is not a given. In fact, that is simply inaccurate and illegal, as it would put the courts and decision makers such as the Board of Adjustment in a position where they must discriminatorily assume that all persons with a handicap need group living.

To the contrary, with regard to recovering alcoholics or substance abusers, courts don’t just discriminatorily *assume* that they must live in group living arrangements or that they must live in residential neighborhoods. Rather, they require applicants to produce “‘substantial evidence of their need to live in a group home setting in a residential neighborhood, in order to facilitate their continued recovery from alcoholism and drug addiction,” and prove that this need for group living is not shared by “non-handicapped persons” to the same degree.’” *Tsombanidis v. West Haven Fire Dept.*, 352 F.3d 565, 575 (2d Cir. 2003). *Id.* at 576, 580. This is because—as rehabilitation and therapy experts have recognized—“not all recovering[] [addicts] need group living ....” *Id.* at 578. In this regard, there is absolutely no evidence presented by SLSG that an accommodation is “necessary.”

**C. Requesting an accommodation from an ordinance designed to help the disabled is inappropriate.**

The Tenth Circuit has held that “a ‘reasonable accommodation’ involves ‘changing some rule that is generally applicable so as to make its burden less onerous on the handicapped individual.’” *Bangerter*, 46 F.3d at 1501-02. Consequently, when a party “does not challenge an ordinance that is generally applicable,” a “claim for ‘reasonable accommodation’ is simply inappropriate.” *Id.* at 1502. Under these principles, SLSG cannot claim that it needs an accommodation from St. George City Code § 10-14-21 precisely because it is *not* a “generally applicable” ordinance. Rather, as explained above, it singles out the disabled for more favorable treatment than the non-disabled and actually *creates* a housing opportunity that is not available to similarly situated groups of non-disabled people.

In this vein, the Tenth Circuit has held that the FHA does not prohibit “benign discrimination.” *Id.* at 1503. According to the Tenth Circuit, “the FHAA should not be interpreted to preclude special restrictions upon the disabled that are really beneficial to, rather than discriminatory against, the handicapped.” *Id.* at 1504. Accordingly, as stated at the beginning, there is nothing wrong with the City’s ordinance, which actually favors groups of disabled individuals over groups of non-disabled persons. In short, it is inappropriate to seek an accommodation from an ordinance that already has a built-in accommodation for the disabled like St. George City’s ordinance. Figuratively speaking, when the City’s ordinance already gives SLSG a ramp, the City is not required to give SLSG an elevator just because SLSG wants it, unless, of course, a ramp is insufficient. However, as shown above, there is no evidence that the

present accommodation at 8 persons is inadequate. There is no evidence that a further accommodation at 16 is necessary.

### III.

#### SLSG CANNOT SHOW THAT ITS REQUESTED ACCOMMODATION IS REASONABLE

“In determining whether the reasonableness requirement has been met, a court may consider as factors the extent to which the accommodation would undermine the legitimate purposes and effects of existing zoning regulations ....” *Bryant Woods Inn*, 124 F.3d at 604. Federal appellate courts have also recognized that “ordering a municipality to waive a zoning rule would ordinarily cause a ‘fundamental alteration’ of its zoning scheme if the proposed use was incompatible with surrounding land uses.” *Schwarz*, 544 F.3d at 1221. If the proposed use is not similar to surrounding uses expressly permitted by the zoning code it likely causes a “‘fundamental alteration’ of the zoning scheme” and is not reasonable under the FHA. *Id.*

A few examples help make sense of these general principles. In *Hovsons, Inc. v. Township of Brick*, 89 F.3d 1096 (3d Cir.1996), a developer wanted to construct a nursing home in a residential area, but the municipality's zoning code forbade nursing homes in each of its fifteen residential zones. “Planned residential retirement communities,” however, were permitted uses as of right. *Id.* at 1099. The Third Circuit concluded that allowing the developer to build a nursing home in a residential zone would not be a “fundamental alteration” of the zoning code because the proposed facility was “similar to that of the local planned residential retirement communities[.]” *Id.* at 1105.

By contrast, in *Bryant Woods Inn* the operator of a group home for elderly residents suffering from Alzheimer's and dementia sought a variance allowing it to expand the home from eight to fifteen residents. After the local zoning board denied the request, concluding that the expansion would only worsen already-prevalent parking congestion on streets near the facility, the operator sued. The Fourth Circuit found no violation of the reasonable-accommodation requirement because the zoning board's concerns about parking congestion were justified. *See* 124 F.3d at 604. In other words, the proposed expansion was incompatible with the surrounding area because of the congestion it would cause.

In *Schwarz*, 544 F.3d at 1223, the court held that relaxing an occupancy-turnover rule to accommodate two halfway houses in a residential zone would amount to a fundamental alteration of the City's zoning scheme. The court reasoned:

Given Treasure Island's considered judgment on the importance of stability in RU-75 zones, the recognition other courts have afforded the value of stability in single-family residential neighborhoods, and the deference we normally accord to local land use regulation, we have little trouble concluding that limited turnover is an essential aspect of the RU-75 zones. And there can be no doubt that Gulf Coast's two halfway houses in RU-75 zones undermine that low-turnover policy. .... Accordingly, we hold that relaxing the occupancy-turnover rule to accommodate the two halfway houses in the RU-75 zones would amount to a "fundamental alteration" of Treasure Island's zoning scheme, and, therefore, that Gulf Coast's reasonable accommodation claim concerning the properties at 10214 Tarpon Drive and 10101 Tarpon Drive must fail.

*Id.*

In applying these factors, the federal appeals courts have given substantial deference to the decisions of local zoning officials stating

[R]egulation of land use is perhaps the quintessential state activity." *FERC v. Mississippi*, 456 U.S. 742, 767 n. 30, 102 S.Ct. 2126, 72 L.Ed.2d 532 (1982). State and local officials have experience in these areas and know best the needs of

their citizenry. We doubt Congress meant for the federal courts to ignore entirely the considered judgments of these officials when deciding what is reasonable in a particular case.

*Id.*

With these principles and precedents in mind it is easy to see that SLSG's request is unreasonable. The City's land use program begins with the St. George City General Plan (**Exhibit 4**), which provides, "The Objective of the General Plan is to guide development, and re-development, in a manner that will enhance St. George as an attractive, diverse, convenient and sustainable place to live, work and visit while preserving the City's unique community character." (Ex. 4, General Plan at Page 4-1 (emphasis in original).) The land use element of the General Plan provides as among the "General Land Use Policies" that "All zoning and other land use decisions shall be consistent with the General Plan." (Ex. 4, General Plan at Page 6-2, ¶ 6.2.1.1.) The Land Use Plan map lists this area as Very Low Density Residential or Low Density Residential. The City's plan is to "continue to provide locations for higher density ... housing, preferably scattered throughout the community and within each development area" but "avoiding 'enclaves'" of higher density (affordable) housing. (Ex. 4, General Plan at 6-8.)

Even in areas where higher densities are allowed, such as downtown or near-downtown areas, the City's General Plan endeavors to regulate the impacts created by high density living arrangements such as group living. For example, group living for college students must "minimize impacts on surrounding stable residential neighborhoods" and should have "[p]arking placement and design to reduce impact on residences." (Ex. 4, General Plan at Page 9-19, ¶ 32.1 & A32.1.) The General Plan discourages "the conversion of single-family homes to college student housing (rentals)," and, as a critical component of achieving that objective, dictates that

the City should “[c]ontinue to enforce zoning limitations on the number of unrelated occupants in a dwelling ....” (Ex. 4, General Plan at Page 6-6.) The present request, of course, is a fundamental departure from that policy.

The City’s Traffic Planning and Land Use element of the General Plan recognizes that “[t]raffic planning is integrally related to land uses,” that commercial uses “typically generate higher traffic levels than residential areas,” (Ex. 4, General Plan at Page 6-20, ¶ 6.12.2), and that the City must endeavor to “[L]imit housing density in congested areas, i.e., areas without adequate traffic capacity.” (Ex. 4, General Plan at Page 6-21.)

Consistent with the General Plan, the purpose of single-family residential zones “is to provide locations where low density residential neighborhoods may be established, maintained and protected.” St. George City Code § 10-7B-1. “The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.” *Id.* Consequently, high density uses that involve group living, such as boarding houses, college student housing, and nursing homes, are altogether banned, regardless of disability or handicap. Allowing such uses for the non-disabled or disabled alike would be fundamentally inconsistent with the purpose of the R-1-8 zone and the General Plan.

According to the most recent U.S. Census Data the average number of persons living in a dwelling unit in St. George City is 2.86. (**Exhibit 5.**) The density proposed by SLSG is more than 5 times the average density per dwelling unit, not including staff and others that would also occupy and use the premises. According to the most recent U.S. Census Data, 80.2% of St. George City residents have lived in the same dwelling unit for 1 year or more. (*See* Ex. 5.) In contrast, the residents of SLSG would most likely live at the facility for 30-90 days.

Accordingly, the proposed use is more transitory than existing uses and would introduce transiency into the relevant neighborhood, which is inconsistent with the City's zoning purposes.

According to the U.S. Census Bureau's American Community Survey for St. George City (**Exhibit 6**), of the 25,330 occupied housing units in St. George City more than 76% of them only have 1 vehicle (8,736 or 34.49%) or 2 vehicles (10,524 or 41.55%) available. While SLSG's application fails to specify the number of vehicles that will be used at the property, the number of employees typically associated with facilities of this nature usually results in at least double or triple the number of vehicles available per household. For example, this is the case with regard to another pending application by the Applicant called the "STEPS" facility.

The Applicant claims, without providing any evidence or any supporting studies or data, that traffic increases would be negligible. This is not accurate. The project *will* increase traffic and parking congestion in the neighborhood in a manner that is inconsistent with the purposes of the zone and the General Plan. For example, the Institute of Transportation Engineers (ITE) identifies a trip generation rate of 9.57 vehicle trips per day per single-family residential dwelling. (**Exhibit 7** at p. 4.) The ITE identifies the trip generation for an Assisted Living Facility (ITE Land Use 254) as approximately 2.74 trips per day per bed (Ex. 7 at p. 7) or 3.93 trips per day per employee (Ex. 7 at p. 8). Based upon the Applicant's request, the number of trips generated per day will result in 43.84 trips per day based on the number of proposed beds. If the facility is like most others, SLSG will have a full-time director, clinical director, therapist, counselor, admissions director and facility manager. According to ITE studies, these six full-time staff members means the facility will generate a minimum of 23.58 trips per day on a per-employee basis. These ITE trip generation studies show that, at a minimum, the facility would

more than double or most likely more than quadruple the 9.57 trip-per-day average per single-family dwelling. This does not necessarily take in to consideration the part-time therapists, counselors and medical director that may visit the facility, the family visits that usually accompany facilities of this nature, and the vendors and other service providers, which the Application does not mention. To get a feel for how facilities of this nature impact traffic and parking photos from comparable facilities, including a sister STEPS facility in Payson, Utah, owned and operated by the same management are attached as **Exhibit 8**.

The increased number of residents would increase the demands for garbage disposal. In the City's experience and from the experiences of other cities in the state, this means that additional garbage cans would clutter the streets or a large dumpster would need to be utilized in order to accommodate the waste created by that many residents. For example, a 10-bed drug and alcohol treatment facility in Draper City utilizes 6 garbage cans. (See **Exhibit 9**.) The placement of so many garbage cans on the street furthers the traffic and congestion issues and the use of that many garbage cans or a dumpster(s) detracts from the residential character of the neighborhood.

In the City's view, the proposed use is fundamentally incompatible with the residential character and nature of the surrounding neighborhood and residential zones in general. Approval of this request would require a fundamental alteration in the nature of the City's land use and zoning program, forcing the City to approve a use, the scope and purpose of which is materially incompatible with surrounding land uses in the City, the purposes and designs of the R-1-8 zone, and the General Plan.

#### IV.

#### **SLSG WAS NOT ENTITLED TO A HEARING BEFORE THE ST. GEORGE CITY COUNCIL**

Perhaps all that needs to be said in response to SLSG's claim that the City's decision should be reversed because SLSG did not have a hearing before the City Council, is what SLSG, itself, admits in its appeal: "SLSG concedes that there is nothing in the provisions of SGCC § 10-14-21 that requires a hearing before the City Council or its designee ...." (Ex. 1 at p. 4) Section 10-14-21.E.1. provides, "Any person or entity who wishes to request a reasonable accommodation shall make application therefor to the city council, or the council's designee, and shall articulate in writing the basis for the requested accommodation." Since there is no requirement of a hearing there is no basis for reversal based upon lack of a hearing. Additionally, there is no entitlement to have the accommodation decided by the City Council as opposed to its designee. Moreover, there is no evidence that Paula Houston was *not* the City Council's designee and the code expressly allows the decision to be made administratively by its designee.

Finally, the fact that the reasonable accommodation request form provided by the City's staff erroneously stated that a request shall be heard by the City Council within 30 days after a complete application has been submitted does not provide a basis for reversal. The city staff does not have legislative power and cannot trump the provisions of the code by generating a form. Moreover, the purpose of the Board of Adjustment is "[t]o hear and decide appeals where it is alleged that there is an error in any order, decision or determination made by the administrative official in the enforcement *of this title*." St. George City Code § 10-3-6.A.

(emphasis added). In other words, the Board’s jurisdiction is limited to an interpretation of the code and not the proper usage of City forms. And all parties concede that there is nothing in the code that entitled SLSG to a City Council hearing. Therefore, it would be outside the authority of the Board of Adjustment to impose upon the City requirements that are not found in the code.

### **CONCLUSION**

As stated above, the City has already accommodated SLSG by allowing eight (8) unrelated individuals instead of four (4) to reside at the subject property. No further accommodation is necessary. The Applicant has failed to meet its burden of proving that an accommodation is “necessary” as that term has been defined by the courts. Additionally, SLSG’s requested accommodation is unreasonable because it will significantly increase population densities, increase traffic and parking congestion, increase transiency, create impacts that are incompatible with the surrounding neighborhood and the City’s zoning scheme, and it will introduce what really amounts to a commercial or institutional use to the area, all in distinct contradiction to the stated purposes of the zone and the General Plan. As the authorities above make clear, these types of material departures from the stated zoning objectives of the City are not required by the FHA.

Based upon the foregoing, the City respectfully requests that the Board of Adjustment deny SLSG’s appeal.

**DATED** this 26<sup>th</sup> day of September, 2014.

**MCDONALD FIELDING, PLLC**

A handwritten signature in blue ink, appearing to read "D J McDonald", written over a horizontal line.

Daniel J. McDonald

Kyle C. Fielding

*Attorneys for St. George City*

**Brief of St. George City**

**Exhibit 1 – Codes and Statutes**

## Chapter 2

# DEFINITIONS

### 10-2-1: ZONING DEFINITIONS:

For the purpose of this title, certain words and terms are defined as follows (words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the building code shall be construed as defined therein):

**ABANDONED VEHICLE:** A. Any vehicle or vessel left unattended on private property for a period of seventy two (72) hours or longer without the consent of the owner, occupant, or tenant of such property or such person's agent; or

B. Any vehicle or vessel left unattended on public property, including any portion of a street or highway right of way, within the limits of the city for a period of twenty four (24) hours or longer, unless the owner or driver has conspicuously affixed thereto a dated notice, or otherwise notified the police department of such person's intention to remove such vehicle within seventy two (72) hours, or the vehicle is parked in a public street within fifty feet (50') of the property of the owner; or

C. Any vehicle or vessel determined by the police department to be lost, stolen, or unclaimed.

**AGRICULTURE:** The tilling of the soil, raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

**ALLEY:** A private paved access with a minimum pavement width of twenty feet (20') and regulated as set forth in this code.

**APPEAL AUTHORITY:** The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance. The board of adjustment is designated as the appeal authority.

**BASEMENT:** That portion of a building that is partly or completely below grade (see definition of Story Above Grade).

**BOARDING HOUSE:** A building with not more than five (5) guestrooms, where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

**BODY PIERCING:** The creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of a lip, tongue, nose, eyebrow, navel, breast or genital, excluding ear piercing.

**BUILDING:** Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

**BUILDING, ACCESSORY:** A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

**BUILDING, HEIGHT OF:** The vertical distance from the grade of the average of the midpoint of the walls of the two (2) tallest elevations as measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the main height level between ridge and eaves of a gable, hip, or gambrel roof.

**BUILDING, MAIN:** The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.

**BUILDING, PUBLIC:** A building owned and operated or owned and intended to be operated by a public agency of the United States Of America, of the state of Utah, or any of its subdivisions.

**CARPORT:** A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

**CHILD NURSERY:** An establishment for the care and/or instruction, whether or not for compensation, of nine (9) or more children other than members of the family residing on the premises.

**CLUB, PRIVATE:** An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests, but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor organizations or similar labor or business organizations.

**CONDITIONAL USES:** A use of land for which specific conditions of approval are recommended by the planning commission and approved by the city council prior to authorizing a permit therefor.

**CONDOMINIUM OR TOWNHOUSE PROJECT:** A development where there is ownership of a single unit in a multiple-family development, together with an undivided interest in the common area and facilities, and such project meets all requirements of the condominium ownership act of the state of Utah.

**COPING:** A protective cap, top, or cover of all, parapet, pilaster; often of stone, terra cotta, concrete, metal or wood. May be flat, but commonly sloping, double beveled, or curved to shed water so as to protect masonry below from penetration of water from above.

**DAIRY:** A commercial establishment for manufacture or processing of dairy products.

**DISTRICT:** A portion of the area of St. George city shown on a map attached to the zoning

ordinance codified herein and given a district name.

**DWELLING:** Any building or portion thereof, which is designed for use for residential purposes and complies with the provisions of the international building code, except the following: hotels, motels, boarding houses or bed and breakfast establishments. For the purposes of this definition, mobile homes, travel trailers, park trailers, recreational vehicles or motor homes are not considered dwellings.

**DWELLING, GROUP:** Two (2) or more dwelling structures occupying the same lot and having yards and open spaces in common.

**DWELLING, MULTIPLE-FAMILY:** A building arranged or designed to be occupied by more than two (2) families.

**DWELLING, SINGLE-FAMILY:** A building arranged or designed to be occupied by one family, the structure only having one dwelling unit.

**DWELLING, TWO-FAMILY:** A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

**DWELLING UNIT:** One or more rooms in a dwelling, designed for or occupied by one family for living or sleeping purposes and having kitchen facilities for the use of not more than one family.

**FAMILY:** A. An individual, or two (2) or more persons within the immediate family related by blood, marriage, adoption or legal guardianship, living together as a single housekeeping unit in a dwelling unit and/or with not more than one additional unrelated person living with them as a single housekeeping unit in a dwelling unit; or

B. A group of not more than four (4) persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or

C. Two (2) unrelated persons and any children related to either of them living together as a single housekeeping unit.

D. The city council may approve temporary living arrangements with members of the extended family where the applicant can demonstrate a hardship situation exists.

E. College student housing projects with five (5) or more dwelling units may have up to six (6) students in a dwelling unit, providing all other requirements of this title are complied with. No more than two (2) students per bedroom.

**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

**GRADE:** A. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

B. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining the street.

C. For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five feet (5') from a street line are to be considered as adjoining a street.

**GUESTHOUSE:** A detached living quarters located within an accessory building that is subordinate to, and located on the same premises with, a primary dwelling, occupied solely by members of the family and temporary guests. A guesthouse may also be referred to as a "casita". Such facilities shall not contain kitchen facilities and shall not be rented independently from the main dwelling unit.

**HANDICAPPED PERSON:** A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which results in a substantial functional limitation in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

**HOME OCCUPATION:** Any use conducted entirely within a residential unit and carried on by persons residing within the unit, which use is clearly incidental and secondary to the use of the unit for residential purposes and does not change the character thereof and in connection with which there shall be no advertising of any kind. The standards set forth in [title 3, chapter 7](#) of this code shall strictly apply.

**HOUSEHOLD PETS:** Animals or fowl ordinarily permitted in the house and kept for personal use, such as dogs and cats, but not kept for commercial purposes, as defined in this title.

**IMMEDIATE FAMILY:** Consists of spouse, parent, children, grandparent or grandchildren and the spouse's parent, children, grandparent or grandchildren.

**INOPERABLE VEHICLE:** Any vehicle or vessel which is not capable of functioning as a vehicle or vessel in its present state or existing mechanical condition, or any vehicle or vessel not bearing current registration if required.

**JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or inoperable, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

**JUNKYARD:** Any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard. The term includes garbage and sanitary fills.

**KITCHEN:** Any room or portion of a room used, intended, and designed to be used for cooking or the preparation of food, including storage and refrigeration. A kitchen consists of a stove (gas or electric), family sized refrigerator (7.75 cubic feet or greater), sink (larger than 12 inches wide), dishwasher, pantry, and cabinets.

**LAND USE AUTHORITY:** A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application. The city council is designated as the land use authority.

**LIVESTOCK:** Large animals which may include horses, cattle, goats, sheep, llamas, ostriches or other animals judged by the planning commission to be compatible with this category of large animal. For the purposes of this definition, hogs or pigs may not be considered livestock.

**LIVESTOCK FEED YARD:** A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

**LOT:** A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this title and having frontage upon a dedicated and improved city street. Except for multiple-family dwellings, not more than one dwelling shall occupy any one lot. The parcel of land comprising a lot for development purposes under this title may include additional land from any zone other than open space. Open space property added to a parcel shall not be considered as a part of the lot for determination of setbacks.

**LOT, CORNER:** A lot having frontage on two (2) or more improved and dedicated city streets.

**MOBILE HOME PARK:** Any area or tract of land used or designed to accommodate mobile homes or park trailers for living purposes on a rental basis. Spaces are not to be sold.

**MOTEL:** A group of attached or detached buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists, with parking spaces conveniently located to each unit.

**NATURAL WATERWAYS:** Those areas, varying in width, along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the building inspector, in which areas no buildings shall be constructed.

**NEIGHBORHOOD CITY PARK:** A developed recreation area, generally five (5) to ten (10) acres in size and located within one-half (0.5) mile of a residential neighborhood. A neighborhood park, some of which may be left natural, is designed as an area where individuals and groups of individuals can gather for passive and limited active recreation. Neighborhood parks can be easily accessed by walking/biking, but may have limited parking. Generally there are no lighted athletic fields for team competition, and facilities are not scheduled for organized programs. Active facilities may include volleyball, basketball, horseshoes, playground, informal play fields or grassy areas. Team sports usage is generally for practices and pick up games. Neighborhood parks are generally separate facilities, but may be built in conjunction with schools. Additional facilities may include picnic shelters, restrooms, and paved trails. Some facilities may have lights, but generally on a limited basis.

**NONCONFORMING BUILDING OR STRUCTURE:** A building or structure or portion thereof, lawfully existing at the time the ordinance codified herein became effective, which does not now conform to all regulations herein prescribed in the zone in which it is located.

**NONCONFORMING USE:** A use which lawfully occupied a building or land at the time the ordinance codified herein became effective and which does not now conform with the use regulations of the zone in which it is located.

**NURSING HOME:** An institution providing residence and care for the aged or infirm.

**PARKING LOT:** A surfaced area other than a street, used for parking.

**PARKING SPACE:** Space within a building, lot or parking lot for the parking or storage of one automobile.

**PERMANENT COSMETICS:** A mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows, lip coloring, and medical reconstruction procedures only.

**PERMANENT COSMETICS ESTABLISHMENT:** An establishment engaging in permanent cosmetics as a secondary use to an establishment employing cosmetologist/barber(s), aesthetician(s), electrologist(s), or nail technician(s) licensed by the state under 58-11a-101 et seq., Utah Code Annotated, 1953, as amended, excluding tattoo establishments and home occupations.

**PLANNED DEVELOPMENT (PD):** A development in which the regulations of the zone in which the development is situated are modified to allow flexibility and initiative in site and building design and location in accordance with an approved plan.

**PRIVATE PARK:** A natural or developed recreation area not owned or maintained by the city.

**RECREATIONAL VEHICLE PARK:** Any area or tract of land used or designed as a rental facility for temporary parking and occupancy of motor homes, travel trailers, park trailers and recreational vehicles.

**RESIDENCE:** A building which complies with the provisions of the international building code or the national manufactured home construction and safety standards, and is designed and used as living quarters for a single family. For the purposes of this definition, residences may include mobile homes, but shall not include travel trailers, park trailers, recreational vehicles or motor homes.

**RESIDENTIAL FACILITY FOR ELDERLY PERSONS:** A facility meeting the requirements of Utah Code Annotated section 10-9-501 et seq., and conforming with the applicable standards of the Utah department of human services, including licensure and inspection.

**RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY:** A facility meeting the requirements of Utah Code Annotated section 10-9-605 et seq., and complying with section [10-14-21](#) of this title (see section [10-14-21](#) of this title for applicable standards, requirements and

definitions).

**SETBACK:** The required portion of a yard over which no portion of a building or structure shall encroach unless otherwise permitted in this title. Setback distance shall be measured from the property line of each yard.

**SEXUALLY ORIENTED BUSINESS:** See section [3-8-2](#) of this code.

**SINGLE USE BUILDING:** The main or primary use/tenant building or portion of building; which would include either a stand alone or anchor building.

**SITE DEVELOPMENT STANDARDS:** Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title.

**STABLE, PRIVATE:** A detached accessory building for the keeping of the livestock animals owned by the occupants of the premises and not kept for commercial purposes.

**STABLE, PUBLIC:** A stable other than a private stable.

**STORAGE RENTAL UNITS (Also Known As MINISTORAGE Or SELF-STORAGE):** A storage facility consisting of a building or group of buildings that are single story and are characterized by individual separate storage spaces which are accessible by customers for the storing and retrieval of personal effects and household goods. The individual storage spaces are accessible from a garage style door that fronts a private drive. The storage rental facility is designed for drive-up outside access, but may contain a limited number of climatized interior units for storage of sensitive items such as office and business documents or other similar archival materials.

**STORY:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**STORY ABOVE GRADE:** Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

- A. More than six feet (6') (1,829 mm) above grade plane;
- B. More than six feet (6') (1,829 mm) above the finished ground level for more than fifty percent (50%) of the total building perimeter;
- C. More than twelve feet (12') (3,658 mm) above the finished ground level at any point.

**STORY, HALF:** A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ( $\frac{2}{3}$ ) of the floor immediately below it.

**STREET:** A public thoroughfare which affords principal means of access to abutting property

and is dedicated and improved to city standards.

**STRUCTURAL ALTERATIONS:** Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

**STRUCTURE:** Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

**TATTOO:** A mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin, excluding permanent cosmetics.

**TATTOO ESTABLISHMENT:** Any location, place, area, structure, or business used for the practice of tattooing or the instruction of tattooing, excluding permanent cosmetics establishments.

**TEMPORARY GUESTS:** Guests whose duration of visit shall be less than thirty (30) days.

**UNIMPROVED LOT:** Any parcel of land that does not have paving, or does not meet city requirements for paving, street lighting, utilities, curb, gutter, landscaping, and sidewalk, or does not have street access to utilities such as water, sewer and power as required by the city.

**UNPAVED SURFACE:** A parcel of land or portion thereof that is not paved with an approved impervious surfacing material such as asphalt or concrete.

**USE, ACCESSORY:** A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

**VEHICLE:** Includes, but is not limited to, a motor vehicle, trailer, semitrailer, off highway vehicle, manufactured home, and mobile home.

**VESSEL:** Every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

**WIDTH OF LOT:** The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard setback.

**YARD, FRONT:** A space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot.

**YARD, REAR:** A space on the same lot with a building, between the rear line of the building and the rear line of the lot and extending the full width of the lot.

**YARD, SIDE:** A space on the same lot with a building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.

**ZONE:** St. George area within which the zone regulations are uniform. (1998 Document ch. 24; amd. Ord. 2001-06-004, 6-21-2001; Ord. 2002-07-007, 7-25-2002; 2003 Code; Ord. 2003-11-003, 11-6-2003; Ord. 2004-03-002, 3-4-2004; Ord. 2004-03-003, 3-4-2004; Ord. 2004-12-003, 12-9-2004; Ord. 2005-01-006, 1-20-2005; Ord. 2005-02-009, 2-17-2005; Ord. 2005-03-006, 3-17-2005; Ord. 2005-06-004, 6-16-2005; Ord. 2005-07-008, 7-7-2005; Ord. 2005-08-005, 8-18-

2005; Ord. 2005-12-005, 12-15-2005; Ord. 2008-02-004, 2-7-2008; Ord. 2009-04-005, 4-23-2009; Ord. 2013-02-010, 2-21-2013)

# Chapter 3

## BOARD OF ADJUSTMENT

### 10-3-1: CREATED:

There is hereby created a board of adjustment with the following powers, provided no power given shall be exercised so as to deprive the owner of any property of its use for the purpose to which it is then lawfully devoted. Further, any building or structure as to which satisfactory proof shall be presented to the board of adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public shall be exempt from the operation of this chapter. (1998 Document § 2-1)

### 10-3-2: MEMBERSHIP; APPOINTMENT; TERM; REMOVAL; VACANCIES:

- A. The board of adjustment shall consist of five (5) members, each to be appointed by the mayor with consent of the legislative body for a term of five (5) years; provided, that the terms of the members of the first board so appointed shall be such that the term of one member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member, but not more than one, of the planning commission shall be a member, or alternate member, of the board of adjustment. (Ord. 2004-06-001, 6-3-2004)
- B. In addition to the five (5) members of the board, the legislative body may select from among the qualified electors of the city one or more alternate members of the board who shall be subject to call by the chairman or acting chairman of the board and empowered to act with the powers and duties herein set forth only at public meetings of the board called pursuant to this chapter where a quorum of three (3) members is not present at the time set for such meeting.
- C. Any member of the board who has any interest in a matter before the board shall remove himself from any meeting or hearing at which said matter is under consideration; provided, however, that if all remaining members of the board shall approve, said member may remain at the meeting or hearing, following disclosure, but shall not participate or vote in any proceedings on such matter, and in no event shall his physical presence be counted in establishing whether a quorum is present. (1998 Document § 2-2; amd. 2003 Code)

### **10-3-3: ORGANIZATION; MEETINGS; DUTIES OF MEMBERS:**

A chairman, as elected by the board, shall supervise the affairs of the board of adjustment. The board shall elect from its members a vice chairman and shall adopt administrative rules. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the vice chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the board and shall be a public record. (1998 Document § 2-3; amd. 2003 Code)

### **10-3-4: APPEALS AND REQUESTS FOR VARIANCES:**

A written appeal from an interpretation, order or decision made by an administrative official in carrying out a provision of this title shall be filed by the aggrieved party with the secretary of the board of adjustment, with a copy to the administrative official affected, within thirty (30) days from the date he is notified of the interpretation, order or decision. Such appeal or any request for a variance shall be on forms prepared and supplied by the city. An appeal or request for variance shall be accompanied by a fee, established by the city council, which amount shall be used to defray the cost of notices and other expenses. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the board of adjustment or by the district court on application and notice and on due cause shown. (1998 Document § 2-4)

### **10-3-5: NOTICE OF HEARING OF APPEAL; RIGHT OF APPEARANCE:**

The board of adjustment shall fix a reasonable time for the hearing of an appeal or request for variance, shall give public notice thereof as well as due notice to the parties in interest, including adjoining property owners, and shall decide the same within a reasonable time. Upon the hearing, the requesting party shall appear in person or by agent or by attorney. Notice shall also be posted in a conspicuous place adjacent to and facing the nearest public street and within one hundred feet (100') of the property where the proposed variance will apply. "Adjoining property owners" shall mean all owners within one hundred fifty feet (150') in each direction from the location for which the appeal or variance is requested, as determined from the tax records of the county. The applicant shall furnish the board with a complete list containing the names and last known addresses of such owners at the time the application is filed. (1998 Document § 2-5)

## **10-3-6: POWERS OF BOARD; APPEALS, VARIANCES:**

The board of adjustment shall have the following powers:

- A. Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the administrative official in the enforcement of this title.
- B. Special Exceptions: To hear and decide special exceptions to the terms of this title upon which such board is required to pass under such title. (1998 Document § 2-6)
- C. Variances:
1. Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that the person or entity owns, leases, or in which the person or entity holds some other beneficial interest, may apply to the board of adjustment for a variance from the terms of the zoning ordinance.
  2. The board of adjustment may grant a variance only if:
    - a. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
    - b. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
    - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
    - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
    - e. The spirit of the zoning ordinance is observed and substantial justice done.
  3. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection C2a of this section, the board of adjustment may not find an unreasonable hardship unless the alleged hardship:
    - a. Is located on or associated with the property for which the variance is sought; and
    - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
  4. In determining whether or not enforcement of the zoning ordinance would cause

unreasonable hardship under subsection C2a of this section, the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

5. In determining whether or not there are special circumstances attached to the property under subsection C2b of this section, the board of adjustment may find that special circumstances exist only if the special circumstances:
  - a. Relate to the hardship complained of; and
  - b. Deprive the property of privileges granted to other properties in the same district.
6. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
7. Variances run with the land.
8. The board of adjustment and any other body may not grant use variances.
9. In granting a variance, the board of adjustment may impose additional requirements on the applicant that will:
  - a. Mitigate any harmful affects of the variance; or
  - b. Serve the purpose of the standard or requirement that is waived or modified. (Ord. 2002-05-001, 5-2-2002, eff. 5-9-2002)

### **10-3-7: DECISION ON APPEAL:**

In exercising the above mentioned powers, such board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. (1998 Document § 2-7)

### **10-3-8: VOTE NECESSARY FOR REVERSAL:**

The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. (1998 Document § 2-8)

### **10-3-9: JUDICIAL REVIEW OF BOARD'S DECISION; TIME LIMITATION:**

The city or any person aggrieved by any decision of the board of adjustment may petition the district court for a review of the decision pursuant to the requirements of Utah Code Annotated section 10-9-708. (1998 Document § 2-9; amd. 2003 Code)

### **10-3-10: ACTION ON VARIANCE; WITHDRAWAL; REFUND:**

Unless otherwise specified by the board, any order or decision of the board authorizing a variance shall expire if the applicant fails to obtain a building permit within one year from the date of the decision. Any applicant may voluntarily withdraw his appeal or request for variance at any time prior to a decision by the board. No person shall be entitled to claim a refund of costs for any reason whatsoever. (1998 Document § 2-10)

# ARTICLE B. SINGLE-FAMILY RESIDENTIAL ZONES (R-1-6, R-1-7, R-1-8, R-1-10, R-1-12, R-1-20, R-1-40)

## 10-7B-1: PURPOSE:

The purpose of these zones is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment, with proper controls, of public and semipublic uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood. (1998 Document § 14-1; amd. 2003 Code)

## 10-7B-2: PERMITTED USES:

The following uses are permitted:

Accessory uses and buildings.

Church.

Cluster development in the R-1-40 zone as per regulations in subsection [10-7B-6F](#) of this article.

Guesthouses.

Home gardens and fruit trees, keeping of household pets, etc., but not agricultural industry or business or the keeping of domestic animals and fowl for business purposes.

"Home occupations", as defined in section [10-2-1](#) of this title and prescribed in the city home occupation ordinance set forth in [title 3, chapter 7](#) of this code.

Keeping of chickens (hens only) and rabbits, as an accessory use to a single-family dwelling, to produce food for the family residing on the subject property, but limited in any event to the following:

A. No roosters shall be allowed.

B. Not more than six (6) chickens (hens) and four (4) rabbits for the first ten thousand (10,000) square feet of lot area, with one additional chicken or rabbit for each additional one thousand

(1,000) square feet of lot area, not to exceed a combined total of sixteen (16) chickens or rabbits on any lot, except that the maximum number of rabbits shall be ten (10) on any lot. Newborn offspring may be excluded from the above limitations until reaching the age of four (4) months at which time they shall be included in the number limitation.

C. The coop, pen, or cage shall be restricted to the rear or back yard of a dwelling and shall be located not less than twenty feet (20') from any property line, unless there is a solid masonry wall or solid fence of not less than six feet (6') tall along the property line, in which case no setback is required. No coop, pen, or cage shall exceed eight feet (8') in height nor be larger than one hundred twenty (120) square feet in area, except that the area of the coop, pen or cage may increase by ten (10) square feet for each additional animal allowed on the lot up to two hundred (200) square feet maximum area. All animals must be kept in an area enclosed by a fence sufficient to prohibit escape. No rabbit cages or pens shall be placed on or below the ground but shall be constructed at a reasonable height above the ground to prevent burrowing and escape by rabbits.

D. All coops, pens, and cages shall be kept clean and free from objectionable odor and waste. Waste and debris must be kept from becoming offensive or a health hazard.

Neighborhood city park.

School, public or charter.

Single-family dwellings. (Ord. 2014-04-002, 4-17-2014)

### **10-7B-3: CONDITIONAL USES:**

The following uses are conditional and subject to the requirements of [chapter 17](#) of this title:

"Child nursery", as defined in section [10-2-1](#) of this title. The dwelling shall be the permanent residence of the operator. The planning commission will determine the maximum number of children to be allowed depending upon specific conditions relating to the request. Parking shall be as required by the planning commission. All other requirements of the zone shall be complied with.

Community park (other than "neighborhood city park" as defined in [chapter 2](#) of this title).

Public buildings.

Public utilities.

Residential facility for the elderly, provided it meets the following criteria:

- A. Conforms to all applicable health, safety, zoning and building codes;
- B. Is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- C. Is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement;
- D. Is not occupied by any person who is being treated for alcoholism or drug abuse;
- E. Placement is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution;
- F. Is not located within three-fourths ( $\frac{3}{4}$ ) mile of another existing residential facility for elderly persons or residential facility for persons with a disability;
- G. Is owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and
- H. Is not operated as a "business" as defined in section [3-1-3](#) of this code; provided, that any fee charged for food or for actual and necessary costs of operation and maintenance of the facility shall not by themselves cause it to be considered a business.

Other uses recommended by the planning commission as being in harmony with the intent of the zone and similar in nature to the nature of the above listed uses. (Ord. 2007-01-004, 1-4-2007)

#### **10-7B-4: HEIGHT REGULATIONS:**

No building shall be erected to a height greater than two and one-half ( $2\frac{1}{2}$ ) stories or thirty five feet (35'), whichever is less, unless recommended by the planning commission and approved by the city council as a conditional use permit. No accessory building shall be erected to a height greater than fifteen feet (15'). (1998 Document § 14-4)

### 10-7B-5: AREA, WIDTH AND YARD REQUIREMENTS:

The area, width and yard requirements are as follows:

District	Area Minimum In Square Feet	Minimum Lot Width	Minimum Yard Setbacks		
			Front	Side	Rear
R-1-6	6,000	70 ft .	20 ft.	16 ft. and 0 ft.	10 ft.
R-1-6	6,000	70 ft .	20 ft.	8 ft. and 8 ft.	10 ft.
R-1-7	7,000	70 ft .	25 ft.	8 ft. and 10 ft.	10 ft.
R-1-8	8,000	70 ft .	25 ft.	8 ft. and 10 ft.	10 ft.
R-1-10	10,000	80 ft .	25 ft.	8 ft. and 10 ft.	10 ft.
R-1-12	12,000	90 ft .	25 ft.	8 ft. and 10 ft.	10 ft.
R-1-20	20,000	100 ft .	25 ft.	8 ft. and 10 ft.	10 ft.
R-1-40	40,000	200 ft .	25 ft.	8 ft. and 10 ft.	10 ft.

(1998 Document § 14-5; amd. 2003 Code)

### 10-7B-6: MODIFYING REGULATIONS:

#### A. Side And Rear Yards:

1. The side and rear yard setback on a "street side" yard shall be the same as a front yard setback (setback requirement is 25 feet from any public street).
2. A "zero" side yard may be used for all lots in a planned subdivision or development. In such

cases the opposite side yard shall not be less than a combination of the two (2) side yards otherwise required. (1998 Document § 14-6)

B. Detached Private Garages And Accessory Buildings: Private garages and accessory buildings located to the rear and at least ten feet (10') away from the main dwelling may be built to the property line and may also be built in the side yard; provided that:

1. The roof shall not project across the property line;
2. Stormwater runoff from the building shall not run onto adjacent property;
3. All corner lots shall maintain twenty five foot (25') setbacks on all street sides;
4. Any nonportable structure placed over a utility easement shall require written approval from the city water and power department prior to obtaining a building permit;
5. Accessory buildings shall not cover more than twenty five percent (25%) of the rear yard area unless a conditional use permit is granted for a larger building;
6. Building setbacks from rear and side property lines vary depending on the height of the vertical wall nearest the side or rear property line according to the following table (unless a conditional use permit is granted for a higher wall):

<b>Setback From Property Line</b>	<b>Height Of Building Wall</b>
0 feet - 5 feet	8 feet
5 feet - 10 feet	10 feet

7. Detached garages and accessory buildings shall be limited to an overall height of fifteen feet (15') for pitched roofs (i.e., gable end roof) and twelve feet (12') for flat roofs (shed style), as measured from adjacent grade to highest point of roof, unless a conditional use permit is granted for a greater height;
8. Detached garages and accessory buildings in a side yard:
  - a. May be located in a side yard, provided that it meets all required side and front yard setbacks for the zone and is at least six feet (6') from the main dwelling.
  - b. Exterior shall look similar to the main structure by using the same building materials, colors, and design. (Ord. 2006-12-001, 12-7-2006)

- C. **Front Yard Setback Less Than Required:** In areas where the front yard setback on adjacent property is less than the required setback, new construction may be constructed at the lesser front yard setback requirements; however, in a case where the lesser setbacks of the adjacent properties on either side are different, the setback shall be a distance that is halfway between the distance of the other two (2) setbacks; or in a case where one of the setbacks is greater than the required setback, the setback shall be a distance that is halfway between the distance of the lesser adjacent setback and the required setback; but in no case shall the setback be less than twenty feet (20'). (1998 Document § 14-6)
- D. **Trash, Junk, Inoperable Vehicles, Vessels, And Similar Materials:** No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar materials shall be stored or allowed to remain on any lot in any residential zone. (Ord. 2004-12-003, 12-9-2004)
- E. **R-1-6 Zone Requirements:** The purpose of the R-1-6 zone is to allow for smaller individual homes with front yards fully completed at the time of occupancy. Therefore, the R-1-6 zone will only be allowed under the following criteria:
1. Drawings showing subdivision layout, landscaping and fencing shall be submitted to the planning commission for its recommendation to the city council.
  2. In order to achieve a harmonious subdivision appearance and assure compliance, no certificate of occupancy shall be issued in this zone for any structure until it has been completely finished on the exterior with all required front yard landscaping, driveways and fencing.
- F. **Cluster Development:** Cluster development is intended to promote the preservation of open space and allow flexibility in development design. Cluster development in the R-1-40 zone may be permitted on a conditional use permit basis, subject to the following criteria:
1. Overall density shall not exceed the density of the R-1-40 zone.
  2. Lot sizes may be reduced to eight thousand (8,000) square feet, provided the balance of property is set aside as permanent open space.
  3. Prior to approval of a cluster development, a public hearing shall be held by the city council to consider neighborhood opinion on the proposal.
  4. Open space may be used for playground and recreation space, but no buildings may be constructed in the open space area unless approved as part of the conditional use permit.
  5. Lot width may be flexible and shall be determined as part of the conditional use permit approval process. (1998 Document § 14-6)

## G. Lot Size Averaging:

1. Purpose: Lot size averaging is an alternative to traditional minimum lot size standards and encourages a mix of lot sizes within a subdivision. The overall density of the zoning district remains approximately the same, but flexibility is provided in the mix of lot sizes.

### 2. Standards:

a. Lot size averaging is a permitted use within the R-1-8, R-1-10, R-1-12, R-1-20 and R-1-40 zones. Project density shall not exceed the following:

R-1-8		3.7 du/acre
R-1-10		3.2 du/acre
R-1-12		2.8 du/acre
R-1-20		1.8 du/acre
R-1-40		1.0 du/acre

b. No lot size or lot frontage (width) shall be reduced to less than seventy percent (70%) of the required lot size or lot frontage for the applicable zoning district, except that in the R-1-8 zone no lot size shall be reduced to less than eighty percent (80%) of standard lot size and no lot width shall be less than sixty five feet (65').

c. Exterior or perimeter lots shall be consistent with abutting developed lots when platting a new subdivision.

d. Lot size averaging shall apply to new subdivisions and not to existing recorded plats.

e. Smaller lots shall be dispersed throughout the subdivision rather than congregated together.

f. Subject to approval of the planning commission and city council, open space and/or trail easements may be included in the subdivision density calculations for the purpose of complying with subsection G2a of this section.

g. Not more than half of the proposed lots within the subdivision may be less than the zone's standard lot size, unless approved by the city council after considering the recommendation from the planning commission. (Ord. 2013-08-002, 8-1-2013)

H. Minimum Lot Width In R-1-7 And R-1-8 Zones: R-1-7 and R-1-8 zones within the central city residential area, located between 100 South to 700 South and between 700 East to Bluff Street shall have a minimum lot width of sixty five feet (65'). (Ord. 2007-03-002, 3-22-2007)



# Chapter 14

## SUPPLEMENTARY AND QUALIFYING REGULATIONS

### **10-14-1: EFFECT OF CHAPTER:**

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title. (1998 Document § 3-1)

### **10-14-2: LOTS IN SEPARATE OWNERSHIP:**

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling on any lot or parcel of land in the event that such lot or parcel of land was held in separate ownership at the time of adoption of the zoning ordinance. (1998 Document § 3-2)

### **10-14-3: SEPARATELY OWNED LOTS; REDUCED YARDS:**

In any lot under a separate ownership from adjacent lots and of record at the time of passage of the zoning ordinance and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided, that on interior lots, the smaller of the two (2) yards shall in no case be less than five feet (5') or the larger less than eight feet (8'), and for corner lots, the side yard on the side street shall be in no case less than fifteen feet (15'), or other side yard be less than five feet (5'). (1998 Document § 3-3)

### **10-14-4: LOT STANDARDS:**

Except as provided in section [10-14-3](#) of this chapter, every lot, existing or intended to be created, shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have its required frontage upon a dedicated or publicly approved street unless a private street or right of way has been approved by the planning commission. (1998 Document § 3-4)

**10-14-5: EVERY DWELLING ON LOT; EXCEPTIONS:**

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the district in which the dwelling structure is located unless otherwise recommended by the planning commission and approved by the city council. Group dwellings, cluster dwellings, condominiums and townhouses or other multi-structure dwelling complexes under single ownership and management, which are permitted by this title, may occupy one lot for each such multi-structured complex. (1998 Document § 3-5)

**10-14-6: YARD SPACE FOR ONE BUILDING ONLY:**

No required yard or other open space around an existing building or which is hereinafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. (1998 Document § 3-6)

**10-14-7: SALE OR LEASE OF REQUIRED SPACE:**

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for lot or building may be sold or leased away from such lot or building. (1998 Document § 3-7)

**10-14-8: SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS:**

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development of a lot. The city shall have the right, in its discretion, to require recordation of a parking, landscape and use easement for the benefit of the primary improvement or structure located on the property where it is felt necessary to assure future compliance with this section and section [10-14-7](#) of this chapter. (1998 Document § 3-8)

**10-14-9: YARDS UNOBSTRUCTED; EXCEPTIONS:**

- A. Requirements: Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of belt courses, eaves, chimneys, flues, cantilevered balconies or decks, and other ornamental features which project into a yard not more than four feet (4'), and open fire escapes, and open outside stairways projecting into a yard not more than four feet (4').
- B. Porticos: Porticos extending from the dwelling over the main doorway and over a circular drive through driveway may be allowed to project to within fifteen feet (15') of the front property line. Porticos shall remain fully open on three (3) sides and not more than thirty feet (30') in width.
- C. Detached Storage Sheds: Detached storage sheds up to a maximum size of one hundred twenty (120) square feet and twelve feet (12') maximum height may be located within ten feet (10') of the dwelling where a ten foot (10') separation is not feasible between the dwelling and the shed due to the width of the rear yard; and provided, that all other provisions regulating accessory buildings are complied with (see subsections [10-7B-6B](#) and [10-7C-7B](#) of this title). Detached storage sheds shall not be located in a side yard setback unless approved by the community development director or a designated representative, provided: 1) the rear yard is not feasible, referring to width and location, not a lack of space due to other structures or plant life occupying the rear yard; 2) the location shall be an interior side yard setback (not street side on a corner lot); and 3) the shed shall be architecturally compatible with the dwelling, referring to color and material.
- D. Public Transit Shelters: Public transit shelters, with or without public restrooms, may be located within a setback area adjacent to a public street, subject to approval by the planning commission, city council and property owner.
- E. Carport Within The Side Yard Area:
1. Within residential zones in the original platted area of St. George, as defined below, a carport open on three (3) sides may be located in an interior side yard area to within one foot (1') of the side property line, subject to the following conditions and restrictions:
    - a. The carport roof structure and support columns must be fire rated and built of fire resistant materials in compliance with the international residential code and the international fire code;
    - b. Not to exceed twelve feet (12') in height;
    - c. Have a six foot (6') tall masonry wall along the side property line adjacent to the carport;

- d. Only one side yard area may be covered, the other side must remain open to the sky, and on corner lots, the street side yard setback must remain open to the sky;
  - e. The wall of the dwelling or any structure on the adjoining property adjacent to the carport must be a minimum of ten feet (10') from the property line; and
  - f. Comply with all other codes and ordinances.
2. The original platted area is limited to the following area: bounded by Bluff Street on the west, Diagonal Street to Main Street and then to St. George Boulevard on the north, and by Interstate 15 on the south and east. (Ord. 2010-06-002, 6-3-2010)

### **10-14-10: PERMITTED PATIO COVERS:**

- A. Conditions: No cover shall be placed over a patio, portion of yard, or similar area within a prescribed front, rear or side yard setback, except that such cover may be placed over the rear yard setback area, provided the following conditions are met:
1. The patio or area covered shall not be enclosed on the sides.
  2. In no case shall more than one-third ( $\frac{1}{3}$ ) of the rear yard area be covered. (1998 Document § 3-9A)
  3. No cover shall be closer than two feet (2') to the rear property line, or if built to the property line, shall conform to requirements of the international building code, as adopted. (1998 Document § 3-9A; amd. 2003 Code)
  4. Building permits shall be required for installation of a permitted cover.
  5. Covers shall be made of noncombustible materials only.
- B. Existing Structures: Because of fire considerations, the requirements of this section shall be applicable retroactively to patio and similar covers installed prior to the effective date hereof without a city building permit, but the owners of such covers shall have six (6) months from the effective date hereof to cause their covers to come into compliance with this section. In subdivisions having limited common areas which are assigned to the specific use of an individual property owner, the outer boundaries of such limited common areas shall be considered the lot lines of his property for purposes of this section. Other common areas shall not be considered within the ownership of individual property for the purpose of determining lot lines. (1998 Document § 3-9A)

### **10-14-11: DOUBLE FRONTAGE LOTS IN RESIDENTIAL ZONES:**

Lots which have the rear or side property lines adjacent to a public street shall maintain the following minimum rear or side setbacks:

- A. With a six foot (6') masonry wall along rear or side property line, dwellings may be located within twenty feet (20') of rear or side property lines; accessory buildings no higher than fifteen feet (15') in height may be ten feet (10') from the rear property line; and storage sheds no higher than six feet (6') in height may be placed adjacent to the six foot (6') block wall.
- B. Where a six foot (6') block wall does not exist, the minimum rear or side setback for all structures shall be twenty five feet (25') from the property line. (Ord. 3-2-2000, 3-2-2000)

### **10-14-12: AREA OF ACCESSORY BUILDINGS:**

No accessory building nor group of accessory buildings in any residential district shall cover more than twenty five percent (25%) of the rear lot area, unless a larger accessory building is approved under a conditional use permit. (Ord. 2003-02-001, 1-20-2003)

### **10-14-13: HEIGHT REQUIREMENTS; EXCEPTIONS:**

- A. Additional Height Allowed: Buildings and structures, when authorized in a zoning district, may be erected to a height greater than the height allowed by the district subject to conditional use recommendation by the planning commission and approval by the city council. (1998 Document § 3-11)
- B. Exceptions To Height Limitations: Subject to conditional use recommendation of the planning commission and approval of the city council, penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. (1998 Document § 3-12)

C. Minimum Height Of Main Building: No dwelling shall be erected to a height of less than one story without approval of the planning commission. (1998 Document § 3-13)

D. Maximum Height Of Accessory Building: No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one story or fifteen feet (15'). (1998 Document § 3-14)

### **10-14-14: ACCESSORY BUILDINGS:**

Accessory buildings shall not be constructed upon a lot until the building permit has been issued for the principal building. (1998 Document § 3-15)

### **10-14-15: CURBS, GUTTERS AND SIDEWALKS:**

A. When Required: The installation of curb, gutter and sidewalk of a type approved by the city may be required on any existing street where such improvements are not already in existence or where existing improvements are damaged or broken. Said installation may be required as a condition of obtaining a building permit and shall be completed as a part of the building contract prior to occupancy.

B. Letter Of Nonopposition: The city, upon examination, may determine that it is not in its best interest to install full improvements at the time of land development. In this event, the applicant shall be required to sign a letter of nonopposition to a future improvement district created by the city at such time as it is determined to be in the best interest of the city to do so. The letter of nonopposition shall be recorded against the property and the validity thereof shall run with the land. (1998 Document § 3-16)

### **10-14-16: UTILITY REQUIREMENTS:**

In all areas of the city, connection shall be made to public water, electrical and sewer facilities, unless waived by the city engineer. All utilities shall be located underground, unless specifically approved otherwise by the city engineer, and all construction shall comply with city and state building codes and standards. (1998 Document § 3-17)

**10-14-17: TEMPORARY BUILDINGS:**

- A. Authorized; Term: A building nonconforming as to type or location may be approved by the community development director or a designated representative for use as a temporary residence, sales office or commercial or industrial building during the construction of permanent facilities. Such temporary approval shall not be made for a period exceeding one year. Extensions may be granted for cause, by the community development director or a designated representative, for additional six (6) month extensions up to a maximum of eighteen (18) months, or three (3) such extensions.
- B. Mobile Home, Recreational Vehicle: A mobile home or recreational vehicle may be approved as an office for a mobile home or recreational vehicle sales lot subject to approval of the community development director or a designated representative. (1998 Document § 3-18)

**10-14-18: DUMPING OR DISPOSAL:**

- A. Prohibited: The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish or other refuse, or of ashes, slag, or other industrial wastes or byproducts, shall be prohibited in every district, except as otherwise provided in this title.
- B. Excavated Fill Material: The dumping of dirt, sand, rock or other material excavated from the earth shall be permitted in any district; provided, that the surface of such dumped material is graded, leaving the ground surface in a condition suitable for other use permitted in the district; and provided further, that such fill does not increase the susceptibility of the ground to erosion, landslide, flooding or other dangerous condition. Concrete may be dumped as fill in excavations where it will be buried and not remain on the land surface.
- C. Topsoil: No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on those premises or where an excavation permit has been issued by the city.
- D. Junk In Open Space: No yard or other open space surrounding an existing building in any residential zone, or which is hereinafter provided around any building in any residential zone, shall be used for the storage of junk, debris or abandoned or inoperable motor vehicles or equipment, except as specifically permitted herein or as provided and regulated in any other applicable ordinance. (1998 Document § 3-19)

E. Combustible Materials: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential or commercial zone. (1998 Document § 11-3; amd. 2003 Code)

### **10-14-19: TEMPORARY OUTDOOR EVENTS:**

Temporary outdoor events (i.e., promotions, tent sales, exhibits, carnivals, concerts, etc.) may be permitted by the city council or a designated representative on property zoned commercial, including the planned development commercial zones, for a period not to exceed six (6) continuous days within a six (6) month period. This time limit applies to all local and out of town businesses and all commercial locations within the city. Special exceptions to the time limit may be granted by the city council on a case by case basis. Temporary outdoor events to be held on public property also require review and approval by the city council or a designated representative. Applicants shall submit adequate plans and information for the city to determine that the events will not interfere with the safety and general welfare of the community, nor violate any zoning, parking, licensing or other requirement or ordinance of the city. Required licenses, permits and special clearances shall be obtained prior to any event taking place. (1998 Document § 3-20)

### **10-14-20: ZONE CHANGES; WATER AND ELECTRICAL SOURCE, ACCESS REQUIRED:**

Zone changes shall not be approved unless the property involved shall have access to an approved source of water and electricity and access to a dedicated city street. (1998 Document § 11-3)

### **10-14-21: RESIDENTIAL FACILITIES FOR PERSONS WITH DISABILITY:**

A. Applicability: If any facility, residence or other circumstance meets the definition of a residential facility for persons with a disability as set forth herein, the requirements of this section shall govern the same notwithstanding any other provisions of this title:

B. Purpose: The purposes of this section are:

1. To comply with Utah Code Annotated section 10-9-605; and

2. To avoid discrimination in housing against persons with disabilities as provided in the Utah fair housing act and the fair housing amendments act as interpreted by courts having jurisdiction in Utah. (Ord. 8-3-1999, 8-19-1999)

- C. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

**DISABILITY:** A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

**RESIDENTIAL FACILITY FOR THE DISABLED:** 1. A single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a twenty four (24) hour per day basis in a family type arrangement under the supervision of the resident family or manager, and that conforms to all applicable standards and requirements of and is licensed by the Utah department of human services division of services for people with disabilities, or department of health and is operated by or under contract with that department. The dwelling must be owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident.

2. "Residential facility for the disabled" shall not include facilities for the following: secure treatment, adult daycare, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment, as defined in Utah Code Annotated section 62A-2-101. (Ord. 8-3-1999, 8-19-1999; amd. 2003 Code)

- D. Permitted Use; Requirements: A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:

1. Building And Safety Standards: The facility shall comply with all building, safety and health regulations applicable to similar structures. As part of this requirement, the following site development standards and parking standards shall be applicable:

a. Each facility shall be subject to minimum site development standards applicable to a dwelling in the zone in which the facility is located.

b. The minimum number of parking spaces required for a residential facility for persons with a disability shall be the same as those for a dwelling located in the same zoning district in which the facility is located, subject to the following:

(1) If support staff are employed on the premises of a facility, one additional parking space shall be required for each staff member.

(2) Parking shall not be located within the front yard setback.

2. Prohibited Uses: No facility shall be made available to an individual whose tenancy would:

- a. Constitute a direct threat to the health or safety of other individuals; or
  - b. Result in substantial physical damage to the property of others.
3. Requirements Of Licensee: Prior to the occupancy of any facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the facility shall:
- a. Provide a copy of such license or certification to the city; and
  - b. Certify in a sworn affidavit to the city that no person will reside or remain in the facility whose tenancy would likely:
    - (1) Constitute a direct threat to the health or safety of other individuals; or
    - (2) Result in substantial physical damage to the property of others.
4. Nontransferable; Termination: The use permitted by this section is nontransferable and shall terminate if:
- a. The facility is devoted to a use other than a residential facility for persons with disabilities; or
  - b. The license or certification issued by the department of human services or the department of health terminates or is revoked; or
  - c. The facility fails to comply with the conditions enumerated in this section.
5. Number Of Persons Limited: No residential facility for persons with a disability shall house more than eight (8) disabled persons, not related by blood or marriage.
6. Distance To Similar Facilities: No residential facility for persons with a disability, licensed for the housing of more than three (3) disabled persons, shall be established or maintained within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:
- a. Another residential facility for persons with a disability licensed for the housing of more than three (3) disabled persons; or
  - b. A residential facility for elderly with more than three (3) elderly persons in residence.
7. Business License Required: For a residential dwelling for four (4) or more persons, as licensed by the department of human services, division of services for people with disabilities, the owner or provider shall be required to maintain a valid business license with the city.
8. Exemptions: A residential facility for the disabled shall not include facilities which house persons being treated for alcoholism or drug abuse, persons who are violent, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation or treatment in a correctional facility.

- E. Reasonable Accommodation: None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.
1. Any person or entity who wishes to request a reasonable accommodation shall make application therefor to the city council, or the council's designee, and shall articulate in writing the basis for the requested accommodation.
  2. Each application for a reasonable accommodation shall be decided within not more than thirty (30) days.
  3. If a request for a reasonable accommodation is denied, such decision may be appealed to the board of adjustment in the manner provided for appeals of decisions applying this title. (Ord. 8-3-1999, 8-19-1999)

## **10-14-22: SHORT TERM LEASES OF RESIDENTIAL PROPERTIES:**

- A. Purpose And Intent: The purpose of this section is to promote the health, safety and general welfare of the residents of the city by establishing zoning regulations and zoning standards for short term leases of residential properties in the city so as to ensure:
1. Protection of the environment of the city, including use compatibility with existing residences;
  2. Preserving the existing character and property values of the community by assuring appropriate uses;
  3. Establishment of appropriate governance procedures to plan and oversee short term leases of residential properties to promote the interests and welfare of the community; and
  4. Promote peace and safety within neighborhoods of the city.
- B. Applicability:
1. This section shall apply to short term residential rental properties, as defined in subsection C of this section.

- C. Definitions: As used in this section, the following words and terms are defined as follows. Words in the singular number include the plural, and those in the plural include the singular:

**SHORT TERM RESIDENTIAL RENTAL PROPERTY:** Property which is used by any person or entity, for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where

the term of occupancy, possession or tenancy of the property by the person is for twenty nine (29) consecutive calendar days or less, for direct or indirect remuneration. For this section, "remuneration" means compensation, money, rent or other consideration given in return for occupancy, possession or use of real property.

D. Requirements: Short term residential rental properties are prohibited in all residential zones, mobile home zones, agricultural zones, and residential planned development zones, unless the property satisfies the requirements enumerated in this subsection.

1. Planned Development (PD) Zone Requirements: Short term residential rental properties are permitted within a PD zone and may be approved by the city council if the requirements set forth herein are satisfied. Amending a PD zone to allow short term rentals shall constitute a significant change to the PD zone and thus require a zone change amendment as required in section [10-8-9](#) of this title. If a PD zone is amended to include short term residential rental properties as a permitted use, all final plats and covenants, conditions and restrictions (CC&Rs) which have been recorded shall be amended to include a note indicating that short term residential rental properties are a permitted use.

a. Short term residential rental properties may be a permitted use within a PD zone if all the following criteria are satisfied:

(1) The PD zone shall designate specific areas or phases within the zone where short term residential rental properties are permitted.

(2) A minimum of one hundred (100) dwelling units shall be approved in the PD zone's master plan.

(3) The PD zone shall have a regulation eighteen (18) hole golf course or it shall contain recreation facilities consisting of one or more of the following: a) tennis or pickle ball court, b) pool and clubhouse, or c) other similar recreational amenity as approved by the city council.

(4) Written consent shall be obtained from one hundred percent (100%) of the property owners within the recorded plat thereof consenting to allow short term residential rental properties within the subdivision or phase thereof.

2. Single-Family Residence Requirements: A single-family residence may be permitted as a short term residential property if:

a. The short term rental property is:

(1) Located on a lot size of two (2) acres or larger;

(2) Contiguous to and fronts on a major collector or arterial street (66 foot right of way or more);

(3) Separated by at least five hundred feet (500') from another property used for short term rentals; and

(4) The short term rental property owner has obtained written consent from all property owners within three hundred feet (300') of the dwelling proposed for short term rentals.

3. Automobile And Parking Regulations: For each short term rental property:

- a. For off street parking which is not located within the front setback, the property shall have at least two (2) parking spaces for the residence plus one space for every two (2) guest bedrooms.
- b. Allowed only two (2) automobiles plus one additional automobile for every two (2) guest bedrooms.
- c. As used in this section "guest bedroom" shall mean each bedroom in the rental dwelling unit in addition to the first bedroom.

4. Landscape Maintenance: Each short term rental property shall comply with the landscape requirements outlined in section [4-7-11](#) of this code.

E. License Required: The owner or property manager of each short term residential rental property shall obtain a short term residential rental property business license as required in this code prior to commencing the use. (Ord. 2010-07-001, 7-1-2010)

## **10-14-23: GUESTHOUSES:**

A. A guesthouse shall be used only by the occupants of the principal dwelling or their nonpaying guests.

B. The guesthouse shall not be leased or rented independent of the main dwelling. A deed restriction in a form approved by the city prohibiting the lease or rental shall be recorded against the deed by the property owner prior to occupancy of the structure. Proof that such deed restriction has been recorded shall be provided to the community development director prior to issuance of a building permit for the guesthouse.

C. A guesthouse shall only be permitted on a lot containing an area of ten thousand (10,000) square feet or larger which has an existing owner occupied single-family dwelling unit, or where a building permit has been issued and construction is in process for the single-family dwelling unit on a lot ten thousand (10,000) square feet or larger. A guesthouse may be constructed on lots of less than ten thousand (10,000) square feet within an approved planned development (PD) zone, provided a guesthouse is an allowed use within the project's PD text.

- D. Only one guesthouse shall be permitted per lot of record.
- E. The guesthouse shall be located outside of all setback areas. Guesthouse setbacks shall be no less than ten feet (10') from the side and rear property lines. The guesthouse shall meet the setback requirements for the main dwelling.
- F. The main floor area of the guesthouse shall not have less than one hundred fifty (150) square feet or more than four hundred (400) square feet. Requests exceeding four hundred (400) square feet shall be submitted to the planning commission for review and consideration at a regularly scheduled meeting.
- G. There shall be no kitchen or cooking facilities within a guesthouse. A microwave, compact refrigerator (less than 7.75 cubic feet and 36 inches or less in height), and wet bar sink (12 inches wide or less) is permitted.
- H. Architectural design, materials, and construction shall match the primary residential structure.
- I. Utilities shall not be metered separately for a guesthouse.
- J. Building lot coverage including the guesthouse and other accessory structures shall not exceed twenty five percent (25%) of the rear lot area if the guesthouse is located in the rear yard. (The rear lot area is the area lying between the rear lot line and rear wall of the single-family dwelling extended to the side lot lines.)
- K. The guesthouse shall not exceed a height of fifteen feet (15') for gable roofs, and twelve feet (12') for shed roofs (flat roofs), as measured from the adjacent grade to the highest part of the roof, unless city council approval is granted for a greater height.
- L. Separation distance from the main dwelling and other accessory buildings or structures shall conform to the requirements of the adopted building and fire codes.
- M. A site plan shall be submitted to the community development department to determine

compliance with the requirements herein prior to issuance of a building permit. A fee as established by the city council shall be paid for the site plan review. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.

- N. Guesthouses shall be of new construction only; existing accessory structures (shed, garage, workshop, gazebo, etc.) may not be converted to a guesthouse.
  
- O. The consideration of a basement beneath a guesthouse shall be reviewed on a case by case basis at a regularly scheduled planning commission meeting.
  
- P. A guesthouse may not be used as or converted into a garage.
  
- Q. A guesthouse may be used as a pool house.
  
- R. A guesthouse may not be placed in the front yard setback or side yard setback area. (Ord. 2005-08-005, 8-18-2005)

**10-9a-505.5. Limit on single family designation.**

(1) As used in this section, "single-family limit" means the number of unrelated individuals allowed to occupy each residential unit that is recognized by a land use authority in a zone permitting occupancy by a single family.

(2) A municipality may not adopt a single-family limit that is less than:

(a) three, if the municipality has within its boundary:

(i) a state university; or

(ii) a private university with a student population of at least 20,000; or

(b) four, for each other municipality.

Amended by Chapter 172, 2012 General Session

**10-9a-705. Burden of proof.**

The appellant has the burden of proving that the land use authority erred.

Enacted by Chapter 254, 2005 General Session

**10-9a-707. Standard of review for appeals.**

(1) A municipality may, by ordinance, designate the standard of review for appeals of land use authority decisions.

(2) If the municipality fails to designate a standard of review of factual matters, the appeal authority shall review the matter de novo.

(3) The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.

(4) Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.

Enacted by Chapter 254, 2005 General Session

**Brief of St. George City**

**Exhibit 2 – SLSG’s Initial Request for  
Accommodation**

**REASONABLE  
ACCOMMODATION REQUEST  
APPLICATION**



**APPLICATION TO THE ST. GEORGE CITY COUNCIL REQUESTING A  
REASONABLE ACCOMMODATION PURSUANT TO ST. GEORGE CITY CODE 10-  
14-21 RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

**I. APPLICANT INFORMATION**

APPLICANT: Michael Jorgensen  
MAILING ADDRESS: 1085 S. Bluff St.  
St. George, UT 84770  
PHONE: 435-674-9999 CELL: 801-368-9766 FAX: 435-688-1085  
E-MAIL ADDRESS: mikej@stepsrc.com  
LOCATION OF PROPERTY: 444 S. 400 E., St. George, UT 84770

**I hereby request the City Council make a reasonable accommodation in  
accordance with Ord. 10-14-21(E) on the following matter(s) (state what  
accommodation you are requesting and the basis for the request):**

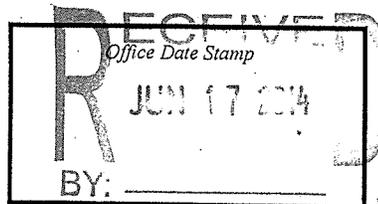
See attached.

*Attach additional sheets and other relevant information as necessary.*

**REQUESTS SHALL BE HEARD BY THE CITY COUNCIL AT A REGULARY SCHEDULED MEETING  
WITHIN THIRTY DAYS (30) DAYS AFTER A COMPLETE APPLICATION HAS BEEN SUBMITTED  
AND ACCEPTED.**

**OFFICE STAFF USE ONLY:**  
*Form Revised 04/14/14*

CASE NO. \_\_\_\_\_ DATE SUBMITTED: \_\_\_\_\_



**II. PROPERTY INFORMATION**

ZONE: R-1-8 TAX I.D. NO. (PARCEL SERIAL NUMBER): SG-937-A-4

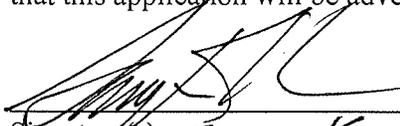
SUBDIVISION: Not applicable.

**III. SUBMISSION REQUIREMENTS**

1. This application form is completed and all required documents are attached.
2. Floor Plan – minimum sheet size 24” x 36”
3. Plans on how the property will comply with all building code requirements.
4. Site Plan, drawn to scale, showing roads, structures on lot and parking – minimum sheet size 24” x 36”

**IV. APPLICANT AGREEMENT**

I / We realize that I / We or our agent MUST be in attendance at the City Council Hearing and that this application will be advertised in the local media and on the Public Notice website.

  
Signature(s) GARY KUTTMARK Date 6-16-14  
ATTORNEY FOR APPLICANT

## STATEMENT OF ACCOMMODATION AND BASIS

Sober Living St. George, LLC ("SLSG") is seeking reasonable accommodation to allow up to 16 residents in a residential facility for person with a disability.

SLSG was recently purchased by MJ Operations, Inc. Before such purchase, the prior owner of SLSG was approved by the State of Utah to house 16 persons. At the time of the purchase, the facility was actually housing 11 persons. After the purchase, it was learned that while the State had licensed the facility for 16 persons (*see* Exhibit A hereto), and the St. George Fire Department had approved occupancy for 16 persons (*see* Exhibit B hereto), the City business license currently allows for only 8 persons to be housed (*see* Exhibit C hereto). Site maps and plans are submitted herewith. Additionally, other documents regarding the facility and building code compliance are currently on file with the City Building Department.

It is acknowledged that there are some "sober houses" currently operating in St. George; many of them without seeking any license or approval from the City. SLSG desires to adhere to all City requirements and obtain all necessary licenses and approvals, and therefore is filing this application for reasonable accommodation.

As you are likely aware, MJ Operations, Inc. also owns Steps at St. George, which operates an 8 bed residential treatment facility in Bloomington. It is anticipated that the SLSG facility will be used in conjunction with the Bloomington facility. It has been shown that recovery from addiction is more successful when carried out in a residential atmosphere rather than an institutional one. SLSG would house men ages 18 – 80. SLSG would be a tobacco free environment, including chewing tobacco. The residents would be supervised by a resident house manager to assure compliance with the rules of the house.

Residents of SLSG must be, and remain, sober. Persons actively engaged in the use of drugs or alcohol will be denied residence or evicted. SLSG would not accept residents who have a known history of violent crimes, a known history of sex crimes, or any outstanding warrant.

Security at SLSG would be monitored by the house manager. Additionally, security cameras and security monitoring systems, with motion detection, motion activated lighting and recording capabilities, would be installed. Any resident violating the rules of SLSG would be evicted from the home. Any interaction by residents with neighbors or others from the property would be in a respectful manner.

We believe any traffic increase to the surrounding neighborhood from SLSG would be negligible. As stated above the property has been housing up to 16 residents over at least the past three years without any discernable impact on the neighborhood. In fact, the neighbor right next to the facility did not even know it was being operated as a sober living facility. *See* Exhibit D attached hereto. All resident parking would be on the property as indicated on the site plan. No one will be able to recognize the use of the property as a residential facility for persons with a disability. The residents of SLSG will live like most of the other families in the neighborhood. They will eat together, and will rely on each other for social activities and support.

In reviewing this application for reasonable accommodation, we request that the City "consider as factors the extent to which the accommodation would undermine the legitimate purposes and effects of existing zoning regulations and the benefits that the accommodation would provide to the handicapped." *The Corporation of the Episcopal Church in Utah v. West Valley City* 119 F.Supp.2d 1215, 1221 (D. Utah 2000). As noted in the *West Valley* case, "Those recovering from addiction have been shown to benefit from living with others in similar situations, and their presence in residential neighborhoods allows the recovering individuals to re-integrate into the community at large. *Id.* at 1222 (citing *Oxford House, Inc. v. Town of Babylon*, 819 F. Supp. 1179, 1181 (E.D.N.Y. 1993)). SLSG's intent is to establish and run this facility in a clean, drug-free, single family neighborhood that will provide the occupants a sense of pride and self-worth. It has been found that the location of these houses in such neighborhoods plays a crucial role in an individual's recovery by promoting self-esteem, helping to create an incentive not to relapse, and avoiding the temptations that the presence of drug trafficking can create. *See Oxford House, Inc. v. Cherry Hill*, 799 F. Supp. 450, 453 (D. N. J. 1992). The proposed accommodation will have no adverse effect on the residential character of the neighborhood. Further, the occupants of the SLSG facility will not caused any financial or administrative burdens on the City, and, in fact, can relieve financial and administrative burdens which the City will face if the occupants are left without the opportunity to reside at the SLSG facility.

# **EXHIBIT A**

State of Utah  
Department of Human Services  
**Office of Licensing**



SOBER LIVING PROPERTIES  
SOBER LIVING ST. GEORGE  
444 SOUTH 400 EAST  
SAINT GEORGE, UT 84770

is hereby licensed to provide

SUBSTANCE ABUSE / RESIDENTIAL SUPPORT  
FOR 16 ADULT MALE CLIENTS

in accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

This license is issued for the period

October 1, 2013 to September 30, 2014

This license is not transferable and is subject to reprobation for cause

Number 3052

  
Director

# **EXHIBIT B**



**City of St. George Fire Department**  
 51 South 1000 East • St. George, UT 84770  
 Office: (435) 627-4150 • Fax: (435) 634-5944



## INSPECTION REPORT

Address: 744 S. 400 E Date: 9-27-13  
 Name/Business: Saber Living St George Phone: 435-275-2591  
 Occupancy: \_\_\_\_\_ District: \_\_\_\_\_

### TYPE OF INSPECTION

- Annual    
  Certificate of Occupancy    
  Occupancy Change  
 Complaint    
  Day Care/Preschool    
  Business License    
  Other \_\_\_\_\_

### FIRE SUPPRESSION AND ALARM SYSTEM

- Flush    
  Pressure    
  Final    
  Alarm    
  Hood    
  Booth    
  Other \_\_\_\_\_  
2 Inch drain test  
 Static \_\_\_\_\_ Residual \_\_\_\_\_

Approved       Corrections Required

*Licensed for use  
 in occupants home*

RE-INSPECTION REQUIRED WITHIN \_\_\_\_\_ DAYS/HOURS

THIS IS AN OFFICIAL NOTICE. PLEASE GOVERN YOURSELF ACCORDINGLY. The items noted above are in violation of St. George's Fire Code and require corrective action on your part within the time specified. Failure to correct the code violation may lead to legal action. This inspection is intended for your safety and the safety of the citizens of the City of St. George. Your prompt compliance and cooperation are greatly appreciated. For more information concerning this inspection, call (435) 627-4150.

Inspector: Dan Lazier     Date: \_\_\_\_\_  
Print     Signature  
 Received By: DANIEL LOCKE     Date: 9-27-13  
Print     Signature

# **EXHIBIT C**

sent license 10/4/14  
 CITY OF ST GEORGE  
 RECEIVED  
 LICENSING  
 3:41 PM  
 REF#: 101

\* Narrative attached.  
 License Number: 27469  
 Per 10-14-20 shall not exceed 8 persons including manager.  
 Affidavit attached. take down a single family  
 Please check applicable box:  
 New in order garage. A  
 Renewal (Must still complete form) within 3  
 Address change (Requires zoning approval) Pauling  
 Please Print Spoll

CITY OF ST. GEORGE  
 175 East 200 North • St. George, UT 84770 (435) 627-4746  
 APPLICATION FOR BUSINESS LICENSE

FOR CITY OFFICE USE ONLY  
 APPROVALS: (Required for New Business or Change of Location)  
 Zoning RA-1 /Date 8/30/14 Business L.C.  
 City Attorney \_\_\_\_\_ /Date \_\_\_\_\_ Police Chief \_\_\_\_\_  
 Fire Chief \_\_\_\_\_ /Date \_\_\_\_\_ Building Dept. \_\_\_\_\_ /Date \_\_\_\_\_  
 Receipt Number \_\_\_\_\_ /Date \_\_\_\_\_

Name of Business Saber Living St George LLC  
 Address at Which Business 444 S. 400 E. St George UT 84770 Phone \_\_\_\_\_  
 Will be Conducted 3434 E BENGAL BLVD #228 SLC UT 84121 MD Cell 801-557-9782  
 Mailing Address (if Different) 6905 S. 1300 E. #234 Midvale UT 84047 Phone \_\_\_\_\_  
 Name of Applicant MICHAEL BROWN SSN# 469-78-3531 Home Phone \_\_\_\_\_  
 Residence Address of Applicant 6905 S. 1300 E. #234 Midvale UT 84047 Street City State Zip

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.

Michael Brown ALLEN ANDERSEN  
 Email Address allenandersenut@gmail.com

Date of Commencing Business in St. George 8-8-11 Sales Tax Number N/A Federal Tax ID 45-2800599

Type of business to be conducted Residential Support Home for Persons with Disabilities with a life  
 If Required to be Licensed by State, Check Here  ALSO ATTACH A COPY OF STATE LICENSE per state Greg Hansen OK with a life  
of St. George City License

Average Number of Employees 0 Days & Hours of Operation 10am-3pm

HOME OCCUPATION ORDINANCE: (Sign only if you 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 Allen Andersen Date 8-8-11

**BUSINESS LICENSE FEE PAYABLE:**

General Business License Fee (\$50.00)	\$ <u>25.00</u>
Number of Full-Time Employees <u>2</u> at \$10.00 each <u>Partner</u>	\$ <u>5.00</u>
Number of Part-Time Employees <u>0</u> at \$5.00 each (Who Will Work Less Than 450 Hours Per Year)	\$ _____
\$25.00 Late Charge on renewals after February 28	\$ _____
Amount of Bond (If Required)	\$ _____
Total Fees Due (\$350.00 Maximum Before Late Fee)	\$ <u>30.00</u>

Application completed by (please print): Allen Andersen Title Member

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 31 and it is my responsibility to renew this License annually without further notification from the City of St. George.

\* Authorized Applicant Signature Allen Andersen Title Member Date 8-8-11

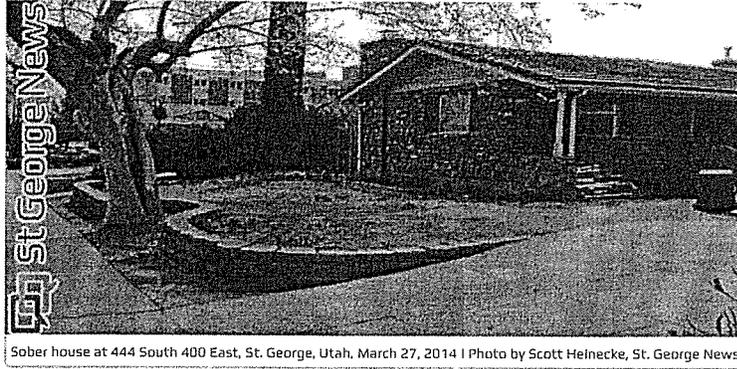
\* Application must be signed by: a) a corporate officer if the business is a corporation (i.e. a president, corporate secretary-treasurer, or vice president of the corporation, or the manager of one or more manufacturing, production or operation facilities, with authority to sign documents); b) a general 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.

# **EXHIBIT D**

 **18 HOLES WITH CART \$40**

- News
- Sports
- Calendar
- Dining
- Movies
- Coupons
- Jobs
- Hotels
- Classifieds

News Opinion Arrests Lifestyle Announcements Obituaries



Sober house at 444 South 400 East, St. George, Utah, March 27, 2014 | Photo by Scott Heinecke, St. George News

## Owner of Bloomington recovery center acquires sober house in St. George

Written by [Scott Heinecke](#) on March 31, 2014 in [News](#) - [12 Comments](#)

Like 223 8+1 1 Tweet 2 31

**ST. GEORGE** — The owner of [Steps Recovery Center](#), the residential alcohol and drug recovery center that opened in the Bloomington neighborhood of St. George in January, is now opening a [residential support home](#) at 444 South 400 East in St. George in May. Sometimes referred to as a “sober house,” the residential support home offers a next phase for the Bloomington recovery center residents and others who are similarly situated.

“I purchased the existing company that owned and operated the home as a sober house,” Mike Jorgensen said. Jorgensen is the primary principal of the ownership entities for both facilities. He did so, he said, “with plans to renovate it and continue to use it for the same purpose.”

**It is another phase in the recovery process allowing addicts to continue to get treatment and receive support from other residents who are also recovering from addiction**

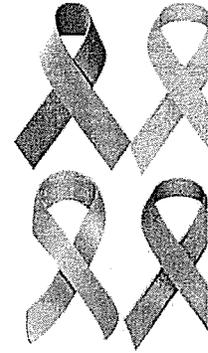
A sober house is much like an outpatient facility for those who have already gone through treatment at a residential facility like the one in Bloomington. It is another phase in the recovery process allowing addicts to continue to get treatment and receive support from other residents who are also recovering from addiction.

The home at South 400 East is capable of housing 16 beds and Jorgensen anticipates filling all of them, charging residents \$450-500 per month to stay at the home. The 4,700-square-foot house has nine bedrooms and eight bathrooms, Jorgensen said.

While [Jorgensen is no stranger to neighborhood controversy](#) surrounding these types of facilities, thus far his encounter in the neighborhood of South 400 East has been a minor one that was quickly resolved with the owner of the next-door property, Richard Wayman.

Wayman, returned home on Wednesday evening to find a three-foot block wall, or fence as he described it, that divided the two properties torn down. He then discovered

We Treat Canc



We treat kidney, bladder, and testicular cancer

Call us today and see what we can do for you

st. george UROLOGY

Dr. Gregory S. Taylor • Dr. Robert

(435) 688-2

Popular Stories	Latest St
Recent Comments	Annou

-  [Alice - Is there a fire som...  
skies have been lo...](#)
-  [San - Prayers for this m...](#)
-  [safer midwifery utah - Y...  
about hospital deaths...  
becaus...](#)
-  [safer midwifery utah - U...  
asked for a statement...](#)
-  [Ron - Whoa! This is an...  
some of the truckers...](#)

**DO YOU KNOW YOUR MECHANIC?**



OUR CERTIFIED MECHANICS GET IT RIGHT THE FIRST TIME. EUROPEAN, ASIAN, AND DOMESTIC VEHICLE REPAIR.

**SPECIALTIES**

TRUCKS • SUVs • VANS

that the new owner of the home was a company owned by Jorgensen and the fence had been torn down as part of the renovation process.

Jorgensen wanted to replace the short block wall that was in disrepair, he said, with a 6-foot block wall which would provide more privacy for both his residents and the neighbor. Although Wayman was at first unhappy the fence, which he said sits on his property, had been taken down by Jorgensen without any warning, he later said that he and Jorgensen quickly resolved concerns regarding the property line and height of the fence Thursday afternoon.

The home has been used as a sober house for the past few years, Jorgensen said, and there are still about 11 residents staying there. Those residents will be moving out to make way for new people that Jorgensen's business will bring in.

The home has been used as a sober house for the past few years

Wayman, who has lived in the next-door home since 2006, said he was surprised to learn that the home had been a sober house for the past few years. He was unaware that its residents were recovering addicts, he said, and the people living at the house were very nice and there were no problems other than smoke blowing over into his yard when some of them smoked out on the driveway.

His fears concerning the impact of having the sober house next door were alleviated after talking to Jorgensen, Wayman said. There will be no smoking allowed under the new ownership and now Wayman sees the new fence as an improvement, he said, giving them more privacy.

Related Posts

- [Bloomington residents file a lawsuit against rehab facility](#)
- [Bloomington residents gather to protest rehab facility](#)
- [Bloomington recovery center suffers vandalism, threats; Payson recovery center hailed a 'good neighbor'](#)
- [Bloomington recovery center goes forward despite opposition](#)
- [Stewart's Town Hall erupts in challenge from angry residents](#)

Email: [sheinecke@stgnews.com](mailto:sheinecke@stgnews.com)

Twitter: [@STGNews](#)

Copyright St. George News, StGeorgeUtah.com Inc., 2014, all rights reserved.

Like    Tweet  31

About the Author

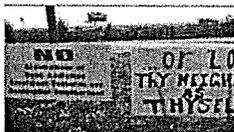


Scott is the father of two children and is from Midvale, Utah. He played college basketball at UVU and has a bachelor's degree from Weber State University. He is a former police officer and private investigator. In his spare time he enjoys hiking and exploring the outdoors in the St. George area.

Related Posts



Letter to the Editor: Some neighbors not representative of the whole  
October 26, 2013



Bloomington recovery center suffers vandalism, threats; Payson ...  
October 22, 2013



Bloomington recovery center goes forward despite opposition  
October 14, 2013

**BACK PAIN**  
9 out of 10 experience better  
Click for more info

**DESERT PAIN SPECIALISTS**  
Interventional Spine Care

**Brief of St. George City**

**Exhibit 3 – Denial of SLSG’s Initial  
Request for Accommodation**



## CITY OF ST. GEORGE

175 East 200 North  
St. George, Utah 84770

July 16, 2014

Gary Kuhlmann  
Gary G. Kuhlmann & Associates, PC  
107 S. 1470 E., STE 105  
St. George, UT 84790

**Re: Request for Reasonable Accommodation at  
444 S. 400 E., St. George, UT 84770**

Dear Gary:

On behalf of the City of St. George, I am writing in response to your June 17, 2014, "REQUEST FOR REASONABLE ACCOMMODATION" for Sober Living St. George, LLC (SLSG) at 444 S. 400 E. in St. George, UT. It is our understanding that SLSG was purchased by Mr. Jorgensen who has taken over an existing residential facility for persons with disabilities at the above-referenced location.

As you know, this property is in an R-1-8 zone which is a single family residential zone. The number of unrelated individuals allowed to occupy each residential unit in this zone is four. See Utah Code Ann. § 10-9a-505.5 and St. George City Code § 10-2-1. However, if the unrelated individuals have a disability or handicap St. George City Code § 10-14-21 accommodates them by allowing a residential facility for persons with a disability which is located in a residential zone to house up to eight (8) unrelated persons. When SLSG came in for a business license on August 8, 2011, it was licensed by the City of St. George as a residential treatment facility and they were accommodated pursuant to St. George City Code § 10-14-21 and allowed to have up to eight (8) unrelated individuals live at the residence. This number included the manager. At no time did the City authorize an increase in occupancy for this facility.

In your request, you are asking to be permitted to increase the number of residents to sixteen (16) pursuant to St. George City Code § 10-14-21(E). The City is aware that an accommodation for persons with disabilities is required if the accommodation is reasonable and necessary. "[T]he [Federal] statute requires only accommodations necessary to ameliorate the effect of the plaintiff's disability so that she may compete equally with the non-disabled in the housing market."; *Lapid-Laurel, L.L.C. v. Zoning Bd. of Adjustment of Twp. of Scotch Plains*, 284 F.3d 442, 460 (3d Cir. 2002)

---

**CITY OF ST. GEORGE**

175 East 200 North, St. George, Utah 84770  
Phone: (435) 627-4000  
www.sgcity.org

**MAYOR**

Jonathan T. Pike

**CITY MANAGER**

Gary S. Esplin

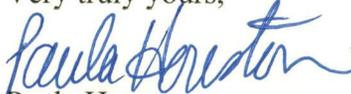
**CITY COUNCIL**

Gil Almquist  
Jimmie Hughes, Michele Randall  
Joe Bowcutt, Bette Arial

In order to grant an accommodation the City must have enough information to be able to determine whether the accommodation requested is reasonable, whether the accommodation requested is necessary, and whether the accommodation requested will result in a fundamental alteration in the nature of any City program or impose an undue burden upon the City. As stated above, the City has already accommodated SLSG by allowing eight (8) unrelated individuals instead of four (4). Based upon the foregoing and the information provided by the applicant, the City respectfully denies SLSG's request for an additional accommodation.

You may appeal the City's decision to the board of adjustment pursuant to St. George City Code § 10-14-21.E.3.

Very truly yours,

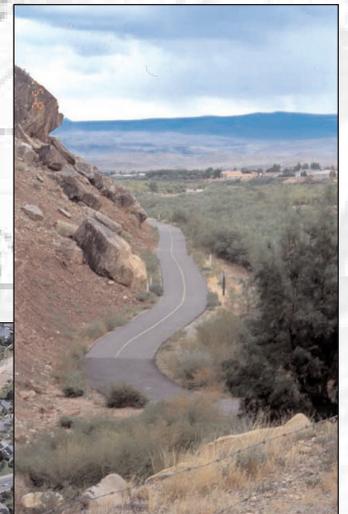
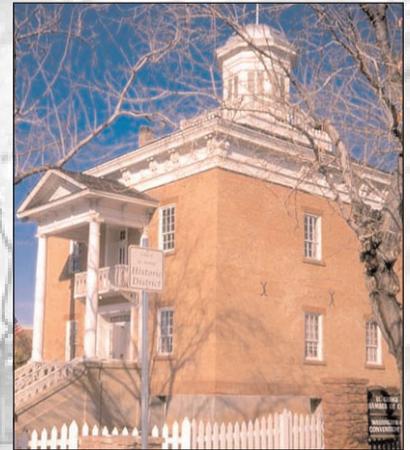
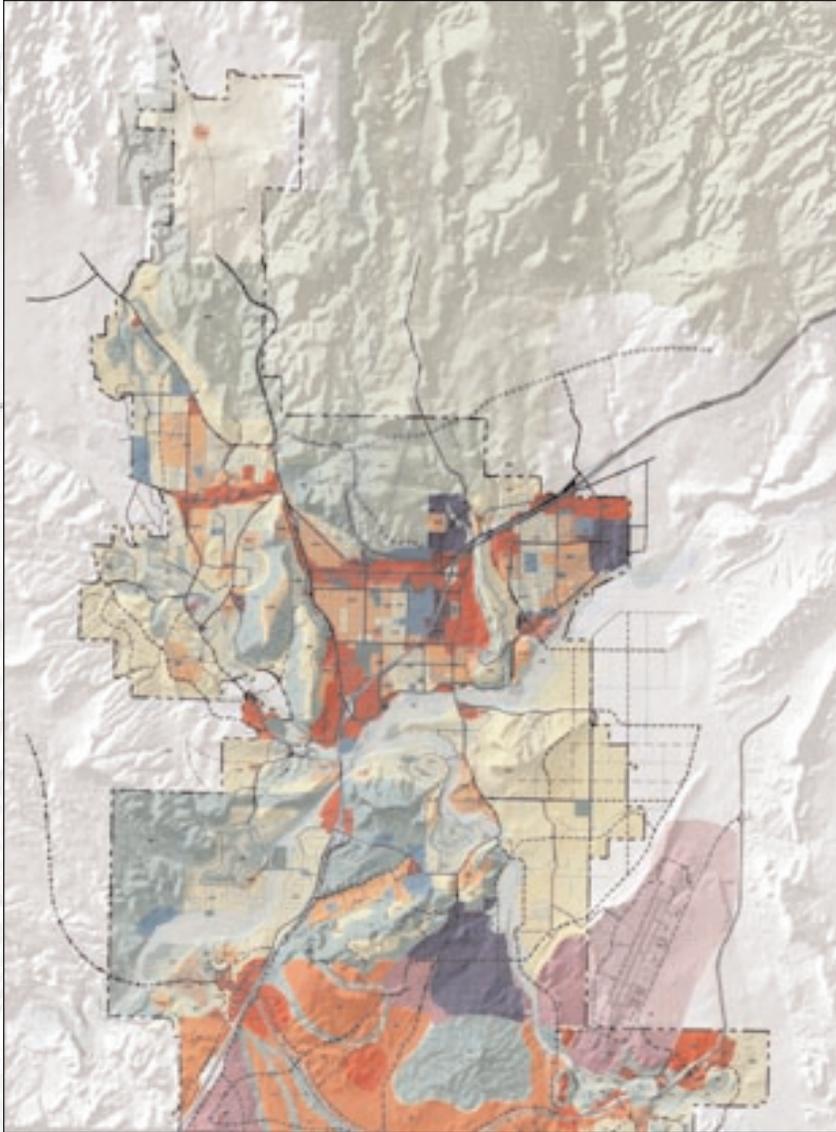


Paula Houston

Deputy City Attorney

**Brief of St. George City**

**Exhibit 4 – General Plan**



# ST. GEORGE GENERAL PLAN

## TABLE OF CONTENTS

<b>1</b>	<b>OVERVIEW/SUMMARY</b>	<b>1-1</b>
1.1	IMPORTANT CHANGES ADDRESSED IN THIS UPDATE	1-1
1.2	NEW DIRECTIONS	1-3
<b>2</b>	<b>INTRODUCTION</b>	<b>2-1</b>
2.1	HISTORIC BACKGROUND	2-1
2.2	WHAT IS A GENERAL LAND USE PLAN?	2-2
2.3	HOW WAS THE GENERAL PLAN DEVELOPED?	2-3
2.4	FUTURE UPDATES TO THE GENERAL PLAN	2-3
2.5	HOW THE GENERAL PLAN IS ORGANIZED	2-3
2.6	POLICIES AND ACTIONS	2-4
2.6.1	<i>General Plan Policies:</i>	2-4
<b>3</b>	<b>REGIONAL POPULATION AND ECONOMICS</b>	<b>3-1</b>
3.1	PROJECTED GROWTH FOR ST. GEORGE AND WASHINGTON COUNTY	3-1
3.1.1	<i>Twenty-year Population Projections</i>	3-1
3.1.2	<i>Water Conservancy District 'Buildout' Projections</i>	3-1
3.1.3	<i>Washington County Coordination Plan 'Buildout' Projections</i>	3-3
3.2	THE ECONOMIC EVOLUTION OF ST. GEORGE	3-4
3.3	IMPLICATIONS FOR ST. GEORGE'S ROLE IN THE REGION	3-6
3.3.1	<i>Population</i>	3-6
3.3.2	<i>Business and Retail</i>	3-7
3.3.3	<i>Population and Economic Policies</i>	3-7
<b>4</b>	<b>VISION AND GOALS</b>	<b>4-1</b>
4.1	UPDATING OUR VISION FOR THE FUTURE	4-1
4.2	THE GOALS AND OBJECTIVES OF THE GENERAL PLAN	4-3
4.2.1	<i>Objectives and Policies</i>	4-3
4.3	GOALS AND SUPPORTING OBJECTIVES	4-4
<b>5</b>	<b>NATURAL AND CULTURAL RESOURCES</b>	<b>5-1</b>
5.1	CLIMATE	5-1
5.2	SCENIC NATIONAL AND REGIONAL RESOURCES	5-1
5.3	CULTURAL, RELIGIOUS AND HISTORIC RESOURCES	5-1
5.3.1	<i>Cultural, Religious and Historic Policies</i>	5-2
5.4	PUBLIC LANDS	5-2
5.4.1	<i>Public Land Policies</i>	5-3
5.5	STEEP HILLSIDES AND GEOLOGIC HAZARD AREAS	5-5
5.5.1	<i>Steep Hillside and Geologic Hazard Policies</i>	5-5

5.6	FLOODPLAINS	5-8
5.6.1	<i>Floodplain Policies</i>	5-8
5.7	DRY WASHES	5-9
5.7.1	<i>Dry Wash Policies</i>	5-9
5.8	WETLANDS	5-9
5.8.1	<i>Wetland Policies</i>	5-9
5.9	ENDANGERED SPECIES	5-11
5.9.1	<i>Endangered Species Policies</i>	5-11
5.10	AIR QUALITY	5-11
5.10.1	<i>Air Quality Policies</i>	5-11

## **6 PROPOSED LAND USES 6-1**

---

6.1	LAND USE PLAN	6-1
6.2	ZONING MAP VS. LAND USE PLAN	6-1
6.2.1	<i>General Land Use Policies:</i>	6-2
6.3	RESIDENTIAL LAND USES	6-4
6.3.1	<i>Residential Land Use Policies:</i>	6-6
6.4	AFFORDABLE HOUSING	6-7
6.4.1	<i>Affordable Housing Issues</i>	6-7
6.4.2	<i>Affordable Housing Policies:</i>	6-8
6.5	COMMERCIAL LAND USES	6-8
6.5.1	<i>Major Commercial Development</i>	6-8
6.5.2	<i>“Big Box” Retail</i>	6-9
6.5.3	<i>Neighborhood Commercial Centers</i>	6-9
6.5.4	<i>South Block Commercial Opportunities</i>	6-10
6.5.5	<i>Commercial Land Use Policies:</i>	6-10
6.6	BUSINESS LAND USES	6-10
6.6.1	<i>Business Land Use Policies:</i>	6-11
6.7	LIGHT INDUSTRIAL LAND USES	6-11
6.7.1	<i>Light Industrial Land Uses Policies</i>	6-13
6.8	AGRICULTURAL LAND USES	6-13
6.8.1	<i>Agricultural Land Use Policies</i>	6-14
6.9	PARKS AND RECREATION	6-14
6.9.1	<i>Park Impact Fees</i>	6-15
6.9.2	<i>Park Planning Standards</i>	6-15
6.9.3	<i>Parks and Recreation Policies</i>	6-15
6.10	OPEN SPACE	6-16
6.10.1	<i>Open Space Policies</i>	6-17
6.11	BIKEWAYS	6-17
6.11.1	<i>Bikeway Policies</i>	6-18
6.12	TRANSPORTATION	6-20
6.12.1	<i>Road Master Plan</i>	6-20
6.12.2	<i>Traffic Planning and Land Use</i>	6-20
6.12.3	<i>Roadway/Land Use Policies</i>	6-21
6.13	STREET PATTERNS	6-21
6.13.1	<i>Street Pattern Policies</i>	6-23

6.14	SOUTHERN CORRIDOR BELTWAY	6-23
6.14.1	<i>Southern Corridor Beltway Land Use Policies</i>	6-25
6.15	PUBLIC TRANSIT	6-25
6.15.1	<i>Transit Options</i>	6-25
6.15.2	<i>Public Transit Policies</i>	6-25
6.16	AIRPORT LAND USE	6-26
6.16.1	<i>Background</i>	6-26
6.16.2	<i>Existing Facilities</i>	6-26
6.16.3	<i>New Airport Location</i>	6-26
6.16.4	<i>Replacement Airport Operation Zones</i>	6-26
6.16.5	<i>Redevelopment Plan for the Existing Airport</i>	6-28
6.16.6	<i>Airport Land Use Policies</i>	6-29
6.17	UTILITIES AND LAND USE	6-29
6.17.1	<i>Water</i>	6-29
6.17.2	<i>Projected Water Demand</i>	6-29
6.17.3	<i>projected Water Supply</i>	6-29
6.17.4	<i>Irrigation</i>	6-30
6.17.5	<i>Water Conservation and Land Use</i>	6-30
6.17.6	<i>Water/Land Use Policies</i>	6-32
6.18	WASTEWATER AND LAND USE	6-32
6.18.1	<i>Wastewater/Land Use Policies</i>	6-32
6.19	ENERGY AND LAND USE	6-32
6.19.1	<i>Natural Gas</i>	6-32
6.19.2	<i>Electricity</i>	6-32
6.19.3	<i>Energy/Land Use Policies</i>	6-33
6.20	SOLID WASTE DISPOSAL	6-33
6.20.1	<i>Solid Waste Disposal Policies</i>	6-33
6.21	FIRE PROTECTION AND LAND USE	6-33
6.21.1	<i>Fire Policies</i>	6-34
6.22	PUBLIC SCHOOLS AND LAND USE	6-34
6.22.1	<i>K-12</i>	6-34
6.22.2	<i>Public School Land Use Policies</i>	6-34
6.22.3	<i>Dixie State College</i>	6-35
6.22.4	<i>College Land Use Policies</i>	6-35
6.23	HEALTH CARE	6-37
6.23.1	<i>Health Care Policies</i>	6-37
<b>7</b>	<b>COMMUNITY FORM</b>	<b>7-1</b>
7.1	PLANNING FOR SMART GROWTH	7-1
7.1.1	<i>Planning Principles for New Development</i>	7-2
7.2	DOWNTOWN DEVELOPMENT	7-4
7.2.1	<i>Downtown Strategies</i>	7-5
7.2.2	<i>Downtown Policies</i>	7-8
7.3	COMMUNITY APPEARANCE	7-8
7.3.1	<i>Community Appearance Policies</i>	7-9
<b>8</b>	<b>ANNEXATION AND GROWTH MANAGEMENT</b>	<b>8-1</b>
8.1	FUTURE GROWTH AREAS: POLICY DECLARATION ON ANNEXATION	8-1

8.1.1	<i>Annexation Standards established by Utah Code:</i>	8-1
8.1.2	<i>Annexation Standards established by the City of St. George:</i>	8-1
8.1.3	<i>City Policies Regarding Extension of Municipal Services</i>	8-3
<b>8.2</b>	<b>ADEQUATE PUBLIC FACILITIES</b>	<b>8-3</b>
<b>8.3</b>	<b>PROJECTED MAJOR NEW DEVELOPMENT AREAS</b>	<b>8-4</b>
8.3.1	<i>State Trust Lands North of the Utah-Arizona Border</i>	8-4
8.3.2	<i>Highway 18 Area North of St. George</i>	8-5

---

## **9 IMPLEMENTATION** **9-1**

<b>9.1</b>	<b>A VARIETY OF IMPLEMENTATION TOOLS</b>	<b>9-1</b>
9.1.1	<i>Zoning Ordinance</i>	9-1
9.1.2	<i>Subdivision Ordinance</i>	9-1
<b>9.2</b>	<b>GENERAL STEPS TO IMPLEMENT THE GENERAL PLAN</b>	<b>9-1</b>
<b>9.3</b>	<b>SPECIFIC ACTIONS TO IMPLEMENT THE POLICIES OF THE GENERAL PLAN</b>	<b>2</b>

---

# 1 OVERVIEW/SUMMARY

## 1.1 IMPORTANT CHANGES ADDRESSED IN THIS UPDATE

In this 7-year update are addressed a significant number of new issues and changes to the context of the City that have important implications for land use planning. They include:

- The city's general growth rate has slowed to approximately 3% in the last 4 years, easing growth pressures slightly, without changing overall build-out projections.
- The Habitat Conservation Plan (HCP) boundary has been finalized, giving clearer direction to both conservation and development immediately north of St. George.



Figure 1-1: Looking South over the HCP area toward St. George

- Several major new residential developments have been approved that increase the reservoir of authorized development by hundreds of homes. Construction is underway on several new developments that are expanding the development area of St. George.
- Several “big box” retail stores (Costco, Wal-Mart, Home Depot, Lowe and Target) have been built within St. George and in

surrounding communities, promising stiff competition – not only between themselves but with local retailers as well.

- Several new infill development projects have been proposed for the downtown, but they have been slow to materialize and the downtown still languishes at a relatively low level of activity compared to other commercial areas in the city and nearby areas.



Figure 1-2: A proposed new office building for Main Street in downtown St. George

- The Southern Corridor, a proposed major east-west highway, has received additional environmental study, and an alignment has been established. As this highway comes closer to reality, the City needs to carefully consider its potential impacts on development and the extension of public services.
- A proposed relocation of the St. George airport to a location southeast of the city has been given FAA approval and a public information and planning process is well underway. The new airport will not only provide much-needed service to the region, it will also create potential needs for roads, utilities and other public services. To assure the long-term viability of the airport care must be taken to make sure compatible land uses are located in the surrounding area.

Insert Map  
Important Changes in the Last 7 years

- The State of Utah School and Institutional Trust Lands Administration (SITLA) has begun planning on the “South Block”, a 10,000-acre parcel of land south of St. George. This development has the potential to become a significant community with residential, commercial and industrial uses that could approach 15,000 population, one quarter of the size of present-day St. George. Obviously, this development must be carefully integrated into the growth pattern of the City.
- The West, in general, is facing increasing challenges in providing inexpensive water and power and St. George is no exception. Once long-term objectives, reducing water and power consumption have now become near-term priorities.

## 1.2 NEW DIRECTIONS

The Population and Economic Context chapter (Chapter 3) points out several key realities about St. George’s future:

- St. George will continue to grow. St. George reached approximately 50,000 population in 2000 and is projected to grow to 98,000<sup>1</sup> by 2020. The current Land Use Plan anticipates a buildout population of 125,000.
- The Ivins-to-Hurricane region will also continue to grow. If the five communities in this urbanizing area follow their General Plans, and assuming that there will be sufficient water resources, the region could grow to a population of approximately 300,000<sup>2</sup> at buildout.

Given the growth anticipated for St. George, it will continue to be the largest city in the region, but not as significantly as in the past. In this context it will be important the City to not “rest on its

<sup>1</sup> Estimate by Governor’s Office of Planning and Budget.  
<sup>2</sup> The Washington County Coordination Plan, 1998.

laurels”, but rather realize there is much work to be done to remain competitive in the regional economy.



*Figure 1-3: The 'White Dome', a central landform of the South Block, with St. George in background*

To accomplish this, the General Land Use Plan sets out a *vision* for St. George, and then a number of important *objectives* and *strategies* for the next planning period. High on the City’s priorities should be the following:

1. **Hillside protection.** The City’s striking backdrop is one of our most important assets. The Hillside Ordinance is a step in the right direction, but more needs to be done. Existing scars need to be repaired, and ordinances, standards and plans need to be strengthened and revised to zealously guard the City’s image.
2. **Downtown revitalization.** St. George’s downtown represents a capital investment of millions of dollars over many years. It is also the symbolic heart of the community. And yet, in the competition with shopping centers, strip malls and big-box centers, the downtown is not winning. The reason is that the downtown has a competitive disadvantage, including high land costs, demolition costs, traffic issues, and zoning constraints. There is much that can, and needs to, be done to “make the playing field level”. All over America cities are

rediscovering the importance of healthy downtowns. The beneficiary of a rejuvenated St. George downtown will be the whole community.

3. **Smart growth and creating livable, sustainable communities.** Communities are discovering that current planning and development practices contribute to sprawl, that disproportionately eats up open lands, creates gridlock traffic problems and siphons vitality from existing commercial areas. Alternatives are available—to create development that places homes in closer relationship to shopping, jobs, schools, and thereby to reduce dependence on the automobile for every need.
4. **Coordinated planning for the South Block.** The School Trust lands, the Southern Corridor, and the new airport represent the most significant development the region will experience for many years. If planned and implemented carefully, they collectively have the potential to be an extraordinary asset to the future vitality of St. George. If their development is not carefully coordinated, these elements have the potential to drain fiscal resources and sap the vitality of the rest of the community. Careful first steps have already been taken. It will be important to smartly manage both the macro and micro impacts of this regional growth.

The present planning challenge is to direct and manage growth in order to preserve the quality of life now enjoyed by residents. This document, the St. George General Land Use Plan, is an important tool in meeting that challenge.

# 2 INTRODUCTION

## 2.1 HISTORIC BACKGROUND

In December 1861, 308 families camped in their wagon trains and tents near the confluence of the Virgin and Santa Clara Rivers while Mormon leaders planned the new settlement of St. George. Modeled on the principles used in other Mormon settlements, the streets were laid out 90 feet wide, with large lots for gardens and irrigation ditches carrying water to the front of homes. Mormon town plans were designed to promote harmony and efficiency, and to make the task of creating a community out of the desert wilderness an orderly and pragmatic endeavor.

The early years of St. George are a history of a people overcoming harsh desert conditions, rebuilding after devastating floods and surviving disease and crop failure. After securing a safe and dependable water supply, the hardy, resourceful settlers eventually began to acquire the basic necessities and comforts of life.



Figure 2-1: Early settlers of the City of St. George

Because of the efforts of those who have gone before, St. George today is recognized as one of the most livable communities in America. The qualities and opportunities of St. George attract families, retirees, college students and tourists. St. George is generally considered to be one of America's "most livable cities."

Because of its many qualities, St. George has attracted a large influx of new residents over the years. While the growth rate has fluctuated from time to time, the end result is a growing community.

And the growth has not been limited to St. George.



Figure 2-2: St. George, Washington County Vicinity

Surrounding communities have also been growing. The cumulative population of St. George, Ivins, Santa Clara, Washington and Hurricane has been designated as a Metropolitan Area<sup>3</sup>. For St. George, we must realize that the city is evolving from the central community of an essentially rural area, to a larger community within a much larger urban setting.

<sup>3</sup> This designation allows the region to qualify for special Federal and State funding.

## 2.2 WHAT IS A GENERAL LAND USE PLAN?

A General Land Use Plan is sometimes referred to as a "Master Plan" or "Comprehensive Plan." It is a community's general guide for making land use decisions. It usually describes how the community wants to grow, where the community wishes various land uses to take place and what the community wants to look like. In many ways a General Land Use Plan is a reflection of the community's values. As such, this General Land Use Plan is a continuation of the effort originally begun in 1861 to strive for a better, more efficient, functional and beautiful community.

The General Land Use Plan provides guidance for decisions that affect land use. It covers the area within the City limits as well as land anticipated to be annexed to the City in the future.

Although the General Land Use Plan is not a regulatory document, it can be given great authority under Utah law. The Utah Code authorizes communities to adopt a General Plan and to require that all streets, parks, public buildings and utilities (public or private) be constructed in conformance with the General Plan.

Ideally, the General Plan is the first level in a three-level process of regulating land uses:

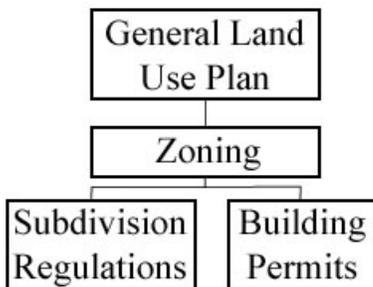


Figure 2-3: Land Use Regulation Hierarchy

1. The General Plan guides broad decisions regarding Land Use (such as rezoning).
2. The Zoning Plan, following the basic land use pattern established in the General Plan, assigns specific densities and uses to individual parcels of land.
3. The Subdivision Regulations and Building Permit process implement the requirements of the Zoning Plan.

That is (taken in reverse order) a *building permit* is granted by the city only for building uses that are in conformance with the *zoning designation* for the building site. One cannot normally get a permit, for example, to build a gas station on a lot that is zoned residential. The *zoning designation* given to a parcel is usually based on the *land use designation* given to that area in the General Land Use Plan. For example, an area that is designated "low density residential" in the General Land Use Plan would subsequently be zoned for single family lots (rather than apartments or a gas station) and only one permit for a single, residential home would be granted for each lot.

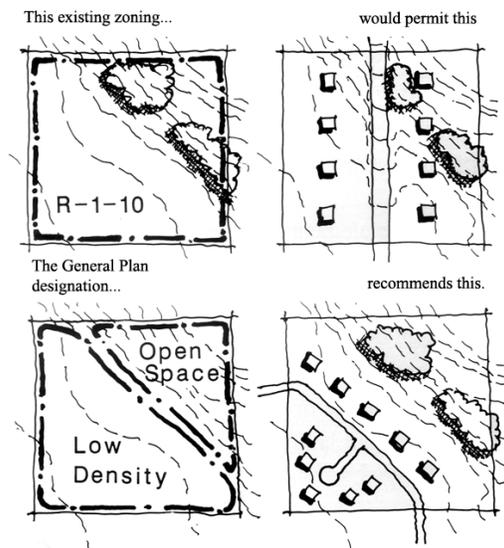


Figure 2-4: Zoning and the General Plan work together to accomplish important objectives

Therefore, once the General Land Use Plan is adopted, it is important that the City Zoning Plan be made consistent. This may be brought about by rezoning any parcels that are not in conformance with the General Plan, or by amending the General Plan, or both. It should be noted that either rezoning or amending must follow the City's required procedures, including public notices and public hearings. Also, while the City has the authority to re-zone land, that authority is not unlimited. Recent U.S. Supreme Court rulings are clear that a land owner may not be deprived of *all* use of his or her land without compensation. *The key point is that the General Plan has little value to the community if the General Plan and the Zoning Plan are not brought into conformity.*

The General Plan is intended for use by City Council members, Planning Commissioners and other City boards, City staff, developers and residents concerned about the future of the community. The purpose of the Plan is to provide a comprehensive guide to the physical development of the City. It is a basic tool to guide zoning, budgeting, capital improvement decisions and policy making.

### **2.3 HOW WAS THE GENERAL PLAN DEVELOPED?**

The first General Plan was prepared in 1980 and amended in 1984 and 1988. A rather significant, new plan was developed and adopted in 1995. This Plan is an update of the 1995 Plan. The 1995 General Land Use Plan, and this update, were developed through a lengthy process of neighborhood meetings, public input, review by all of the City departments, and consultation with other nearby cities and government agencies in Washington County. It has been reviewed and approved by the City of St. George Planning Commission and adopted by the City Council after public hearings.

### **2.4 FUTURE UPDATES TO THE GENERAL PLAN**

Since the purpose of the General Plan is to guide development according to the goals and needs of the community, the Plan should change as the needs of the community change. To be an effective guide for decision-making, the Plan should be kept reasonably current at all times. The Planning Commission and City Council should make periodic reviews, updates and refinements of the General Plan to ensure its continued viability. The next update should be in approximately 2006.

The specific steps by which the General Plan and Land Use map may be amended are found in the Utah Code and St. George City Code and can be obtained from the Community Development Department.

### **2.5 HOW THE GENERAL PLAN IS ORGANIZED**

*Chapter 2* begins with an overview of St. George's history, its role in the regional economy, and various projections of St. George's growth potential. The prospect for significant growth raises the question of what kind of community will and can St. George become? The residents of every community have the right to determine the quality of life they wish to preserve. The General Plan is an important tool in "smart growth" that preserves quality of life.

*Chapter 3* follows with a vision for the community, derived from broad public input. To further aid in implementation and monitoring the effectiveness of the Plan, the vision is translated into broad, general goals and measurable objectives.

*Chapter 4* examines the natural setting of St. George to understand the context within which the City will continue to evolve. This brief synopsis focuses primarily on the opportunities and constraints that will affect growth and quality of life.

The Elements of the General Plan in *Chapter 5* applies the Goals, Policies and Objectives to all of the various areas of City stewardship that are affected by land use decisions — general residential and commercial development, parks and recreation, open space, affordable housing, traffic, utilities and schools. These subsections are based on master plan documents (and supplemental information) prepared by each department.

*Chapter 6* discusses Community Form—general considerations about the physical form and character of the City. This includes elements such as smart growth, infill development and how to make sure St. George evolves as a livable city as it grows

*Chapter 7* addresses several important City policies regarding annexation and growth management: criteria for annexation, services required for annexation, and potential annexation areas.

*Chapter 8* brings together all of the policies of the previous chapters and expands them into specific actions that will implement the Vision, Goals and Objectives of the Land Use Plan.

*Chapter 9* is the *Appendix*, which includes detailed information referred to in previous chapters of the Plan.

## **2.6 POLICIES AND ACTIONS**

Each subsection of the Plan concludes with relevant policies that are derived from applying the Vision, Goals and Objectives to each subject area. Policies are specific actions and commitments to guide future decisions that will lead to accomplishing the Goals and Objectives of the General Plan. For example, the following policies address the consistency and currency of the General Plan.

### **2.6.1 GENERAL PLAN POLICIES:**

1. All land use decisions, including the development of streets, parks and utilities and the provision of public services shall be consistent with the General Plan, including maps, goals and policies.
2. The General Plan shall be reviewed and updated at least every five years.

# 3 REGIONAL POPULATION AND ECONOMICS

## 3.1 PROJECTED GROWTH FOR ST. GEORGE AND WASHINGTON COUNTY

For more than 20 years, Washington County has had steady demographic and economic growth, and the long-term future growth prospects remain very favorable. Washington County will continue to benefit from its scenic, climatic and cultural/religious resources in the following anticipated trends:

- a trend toward increasing numbers of upper-income retirees;
- local and national trends toward increasing leisure time and tourism;
- transportation and communications advances which will continue to reduce the importance of location (offices and residences) relative to business; and
- in-migration created by a desire to leave the congestion and expense of larger urban areas.

These characteristics will sustain a rate of growth that could greatly increase population in Washington County.

### 3.1.1 TWENTY-YEAR POPULATION PROJECTIONS

Figure 3-1 shows a population projection by the Governor's Office of Planning and Budget, based primarily on assumptions about in- and out-migration, birthrates and job opportunities. St. George is projected to grow to nearly 100,000 by 2020.

It should be noted that this is not a "buildout" estimate, but merely a projection through the year 2020.

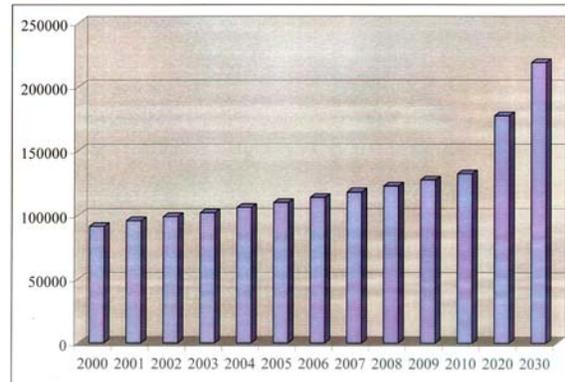


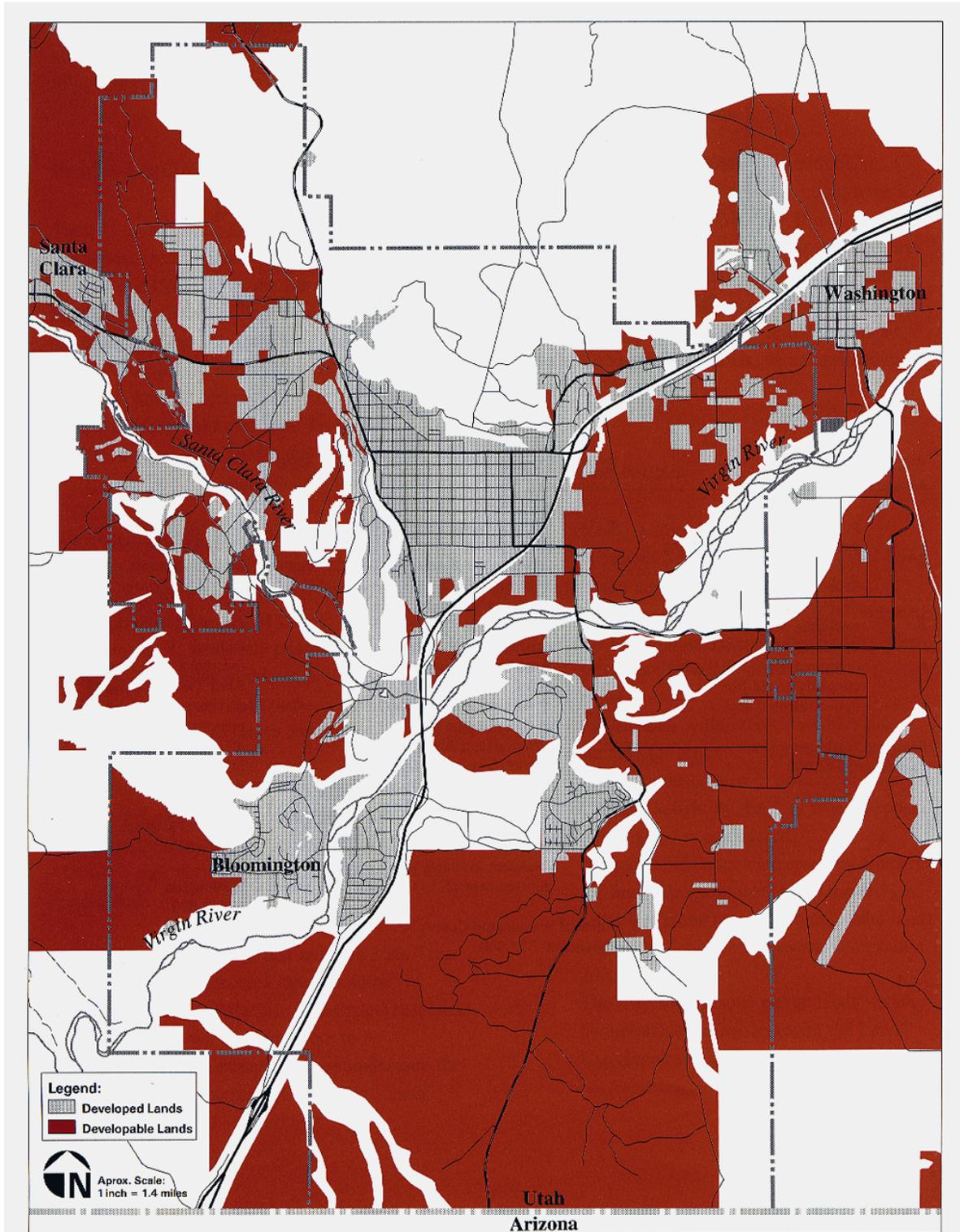
Figure 3-1: Population projections for Washington County by Governor's Office of Planning and Budget

### 3.1.2 WATER CONSERVANCY DISTRICT 'BUILDOUT' PROJECTIONS

A 1995 study by the Washington County Water Conservancy District (WCD) estimated the future population of Washington County based on the extent of land suitable for residential development. The study did not attempt to project population by time, nor show growth rates. Nor did it identify other constraints or thresholds (quality of life, attitudes toward growth) that might stop growth as the area approaches buildout.

The WCD study concluded that there are ample land resources to sustain a very large regional population (far larger than one might presume by merely looking at the year 2020 population projected by the Governor's Office of Planning & Budget). Based on density patterns found in the St. George area, the WCD projected three possible buildout population scenarios, which are summarized below. The WCD study projections for St. George, within its current boundaries as well as within expanded boundaries, range from 100,000 to 150,000 at buildout, as illustrated in Figure 3-3.

Figure 3-2: Development Areas - 1994 Washington County Water Conservancy Population Study



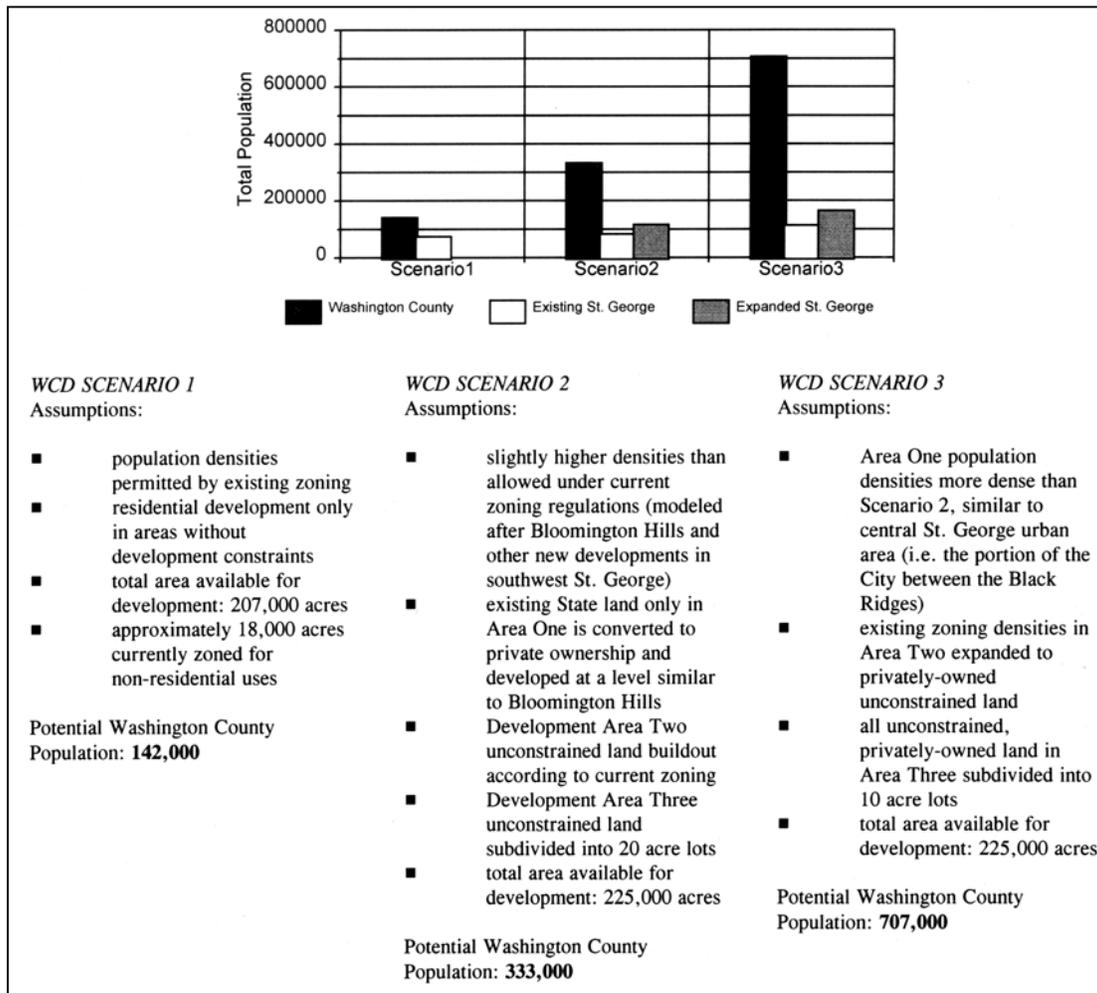


Figure 3-3: "Buildout" Population Projections by the Washington County Water Conservancy District

It should be noted that the accuracy of these population figures is limited by a variety of factors, including the validity of the three scenarios. As a result, the scenarios resulting from this study can only indicate general trends.

328,000, or approximately the same as the WCD Scenario 2.

There are two key messages of the population and economic projections:

### 3.1.3 WASHINGTON COUNTY COORDINATION PLAN 'BUILDOUT' PROJECTIONS

In 1997, Washington County commissioned a study to examine buildout growth potential from yet another perspective—the cumulative development being proposed in the General Plans of the major urban areas of the County. The Coordination Plan<sup>4</sup>, concluded that the “buildout” embodied in the cumulative total of all the current General Plans was

1. growth will continue to come to the St. George urbanizing region; and
2. we have to make sure that growth is directed and coordinated so that it results in a healthy, vibrant City, a City that embodies the goals and objectives outlined in Chapter 3.

These concerns are addressed in the General Plan that follows.

<sup>4</sup> County’s Urbanizing Region, An Element of the Washington County General Plan, Winston Associates, 1997.

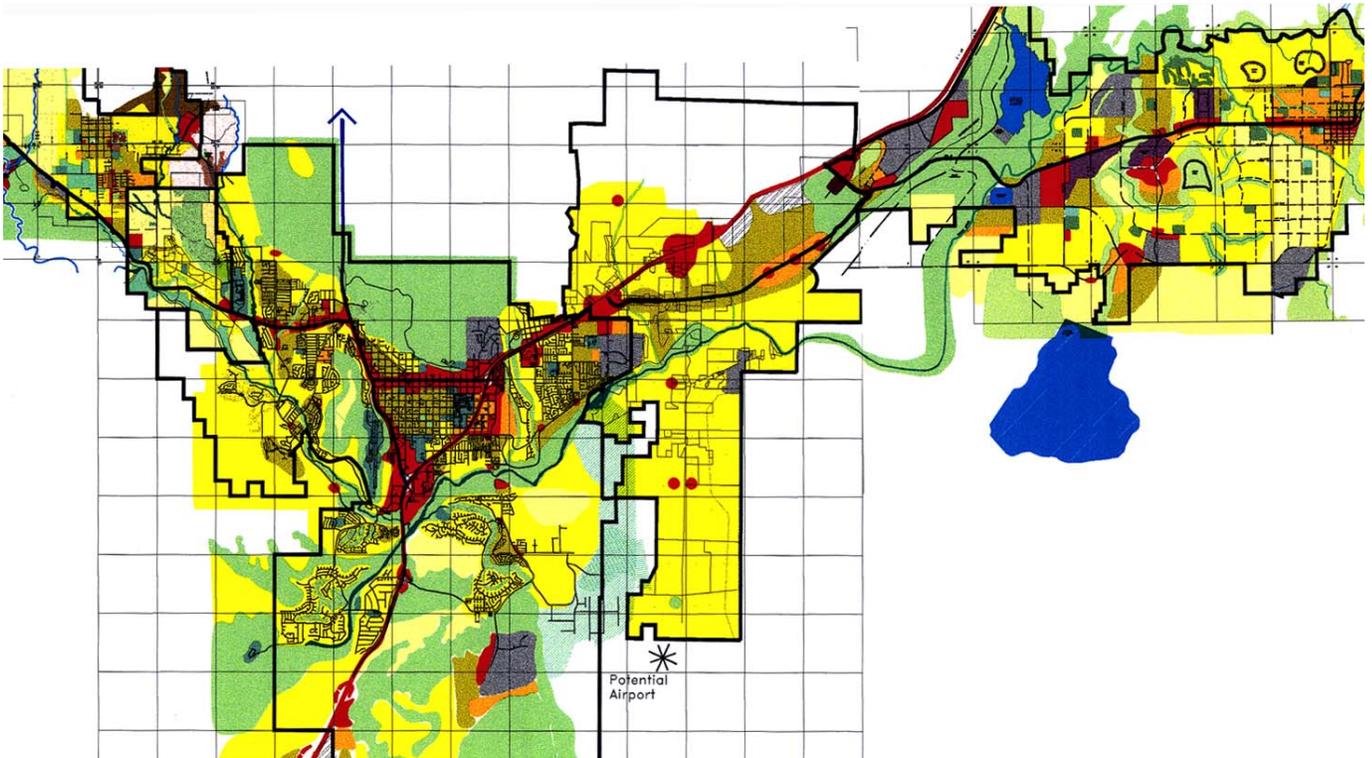


Figure 3-4: Washington County Coordination Plan - Ivins to Hurricane

### 3.2 THE ECONOMIC EVOLUTION OF ST. GEORGE

In its 140 year history, St. George has experienced several transformations: from an economy based on agriculture, to a combination of agriculture and tourism, to today's economy based primarily on tourism, retirement, services and manufacturing. Originally settled under the direction of Brigham Young, the mission of Utah's "Dixie" was to produce agricultural products uniquely suited to a warm climate: cotton, sugar, grapes, tobacco, figs, almonds, olive oil and other useful articles.<sup>5</sup> The creation of the National Park system in 1916 and Zion National Park in 1919 began to bring tourism into the St. George area. In the mid-1960's, St. George experienced a sudden acceleration in population and economic growth fueled to a large degree by a growing number of retirees moving from metropolitan Utah (Salt Lake City, Provo) to

<sup>5</sup> Brigham Young to Orson Hyde, Journal History of the Church of the Latter-day Saints, Church Historian's Office, Salt Lake City, Utah.

southern Utah. By the end of the 1960's, agricultural employment had receded to less than 10% of Washington County's total employment.

The factors contributing to this growth in tourism and retirement living in St. George are:



Figure 3-5: Farmhouse to bed and breakfast: the agriculture to tourism transition

- The synergy or mutually reinforcing aspects of recreation and retirement. Many of the support services that make St. George attractive as a

retirement community also make it desirable as a recreation destination.

- New sources of retirement income (pensions) and trends toward earlier retirement and semi-retirement which increase the number of retirees and lengthen the retirement period.
- An increased orientation at all ages toward leisure activities.
- Temperate climate.
- Unique natural resources.
- Cultural and religious resources.
- Interstate 15 and the St. George Municipal Airport.

Since 1970, Washington County has experienced rather steady economic growth. The main source of overall economic growth has been a significant increase in tourism and in-migration. This is reflected in the employment sectors with the greatest increase in total number of employees between 1987 and 1992, as shown in Figure 3-6.

The increase in Health Services relates to general population growth as well as the growth of services supporting the in-migration of retirees. Local Government includes all public agencies, particularly several new schools in the area. (Washington County School District is the largest

employer in the county.)

Eating/Drinking establishments and Hotels & Lodging Services are the two categories most closely related to tourism. Special Trades is related to construction services. The in-migration of retirees has played an increasing role in boosting residential construction activity to higher levels. In the 1970's, in-migration accounted for 69% of Washington County's growth. During the 1980's, in-migration

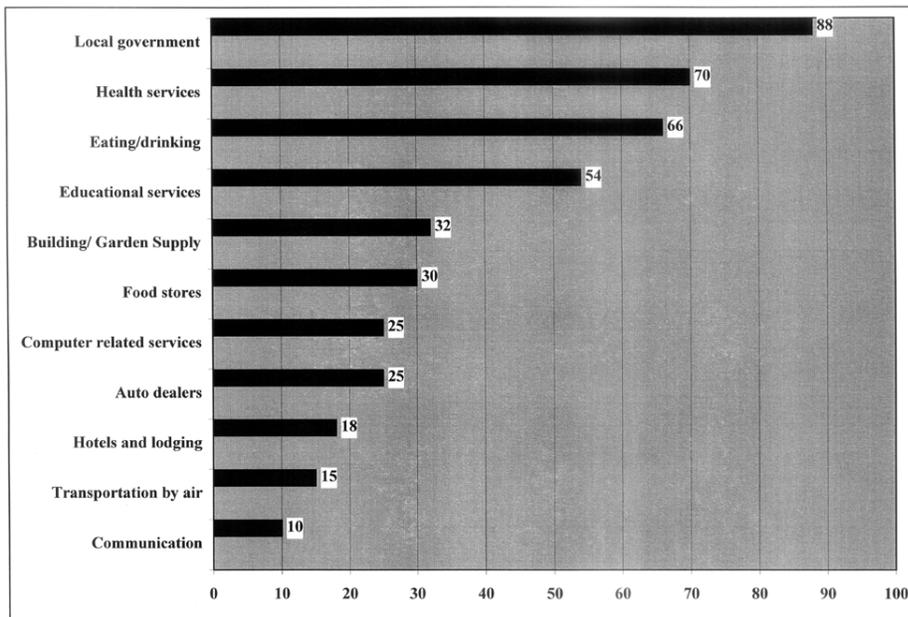


Figure 3-6: Employment Growth by Sector in 2002 (in thousands)

The sequence of growth associated with the development of St. George has been:

1. increasing in-migration of retirees, seasonal residents and visitors, followed by
2. expanding employment opportunities in local services and construction, which in turn led to
3. inducing existing residents to stay as well as attracting more in-migration to meet the expanded job opportunities.

accounted for almost 75% of the County's growth. Of the 16,700 people who moved to the area in the 1980's, approximately 6,000 persons (more than one-third) were of age 55 or older, an age group that now makes up almost 25% of the total County population. The same trend is illustrated by the change in population 65 years and older, and the increase of that age group as a percentage of the total population, in both the County and the City, in Figures 3-7 and 3-8.

# 4 VISION AND GOALS

*The Objective of the General Plan is to guide development, and re-development, in a manner that will enhance St. George as an attractive, diverse, convenient and sustainable place to live, work and visit while preserving the City's unique community character.*

## 4.1 UPDATING OUR VISION FOR THE FUTURE

The following Vision statements were derived from broad public input. They are accompanied by observations about the current status of achieving the Vision.

<i>VISION</i>	<i>STATUS</i>
<p>1. A city with aesthetically pleasing neighborhoods and with neighborhood-scale commercial centers dispersed throughout the city. A pedestrian-friendly city where one can easily walk for recreation and to neighborhood destinations (school, church, store).</p>	<p><i>Many neighborhoods presently are not within walking proximity to neighborhood commercial centers and must rely on automobiles. New neighborhood convenience centers are proposed in many areas.</i></p>
<p>2. A city with ample open space, such as along the Virgin and Santa Clara Rivers, along major drainage washes, the Red Cliffs Desert Reserve habitat area, Webb Hill and other environmentally sensitive areas.</p>	<p><i>Open space still exists in and around the city. However, much open space is under development pressure, including public land, hillside areas and agricultural lands.</i></p>
<p>3. The hillsides that form the backdrop to the City, both the Black and Red Hills, retain their character and remain mostly undeveloped; and where the hillsides are developed, the hillside scars are reclaimed to a natural condition or are hidden from public view by buildings.</p>	<p><i>There are several existing highly visible scars on the hillsides that form the backdrop of our community. Although the shock of those scars has receded, they still greatly mar the image and beauty of St. George. The Hillside Ordinance and Hillside Review Board have helped prevent or reduce scars from new development. In spite of the City's hillside regulations however, the lower portions of many hills (i.e. up to 40% slopes) are still susceptible to future development unless the standards are strengthened.</i></p>
<p>Neighborhood parks are conveniently located throughout the City and a hike and bike trail network connects residential areas with major parks using river and wash corridors as well as designated street rights-of-way.</p>	<p><i>Many new parks and many miles of trailways have been added via 1996 Parks and Recreation bond issue. Trails are planned along both the Virgin and Santa Clara Rivers and along major washes.</i></p>

<i>VISION</i>	<i>STATUS</i>
4. An efficient, multi-modal transportation system provides easy access throughout the City. Buses, cars and bicycles are all well-used forms of transportation.	<i>A limited bus transit system was implemented in 2000. Public transit demand will grow as the population base increases.</i>
5. The City is a regional center for shopping, recreation, health care, entertainment, government and other services.	<i>The city continues to be the general service center for the region. However, new commercial centers are being developed in surrounding communities, including 'big box' stores and centers that will present strong competition to older St. George commercial centers.</i>
6. The City has maintained and enhanced its ties to its pioneer heritage by preserving key historical buildings and promoting a remembrance of their struggles to settle the area.	<i>Renovation of historical buildings such as the Woodward School continues. Older downtown storefronts also continue to be renovated.</i>
7. A city with shade trees lining all streets and with well-landscaped commercial centers.	<i>The city's Urban Forestry Program has made a significant impact on streetscapes and needs to be expanded. The high cost of new infrastructure that will be required for water delivery to keep pace with development strongly suggests that the city as a whole needs to adopt xeriscape (low water use for landscaping) principles.</i>
8. A city that is relatively crime-free and where one can walk anywhere safely after dark.	<i>The city continues to have a relatively low crime rate. Wide streets promote (allow) relatively high vehicle speeds. Private streets still need appropriate lighting.</i>
9. A city with a diverse tax base providing residents with skilled, higher-paying job opportunities.	<i>The local economy is becoming increasingly diverse, and the average wage has increased in 2000. New industrial parks have recently been developed.</i>
10. A city where growth is well-managed and new development does not exceed the capacity of public facilities and services.	<i>The General Plan is used to guide community development. In the short term, new growth will approach or exceed available water and power resources.</i>
11. A city that cherishes its clean air and takes appropriate steps to protect it.	

## **4.2 THE GOALS AND OBJECTIVES OF THE GENERAL PLAN**

Mission Statement, may be updated by the Council at any time, and will also be reviewed during the next update of the General Plan.

In St. George a variety of decisions are made every week concerning roads, sewers, parks, schools, new subdivisions, commercial developments and much more. Individually the decisions may not seem related; however, the cumulative effect of such decisions has a significant impact on the community and the residents' quality of life. Clearly defined goals and objectives provide a means by which a government can focus these many individual actions for the good of the community.

As an aid to achieving the community vision described above, that vision has been translated into a series of Goals and Objectives. The Goals are written as general statements that address individual subject areas. Each Goal has supporting Objectives that are more specific aspects of the Goal. For each Objective potential directions (actions) are suggested to implement the Objective. At the conclusion of this document, the Objectives are translated into policies and specific actions for implementation by the City staff, Planning Commission and City Council.

This process is intended to bring the community's broad vision down to specific, implementable actions. Since they are part of the General Plan, the Vision, Goals, Objectives, Policies and Actions have been adopted by the City Council, and have official status as a guide to how the City intends to direct its energies and resources with respect to the many issues facing the community.

It is anticipated that as time passes and conditions change there will be a need to modify the Goals,

### **4.2.1 OBJECTIVES AND POLICIES**

Thus, the planning process is one of continually monitoring results and evaluating the relevance of the direction. The Goals and Objectives, even the

## 4.3 GOALS AND SUPPORTING OBJECTIVES

### GOAL I. NATURAL SETTING

Preserve the natural beauty and features that provide a healthy environment and give St. George its unique identity, such as:

- ❖ the Red Cliffs and other natural hillsides that enclose the City and provide a striking red, and green, backdrop;
- ❖ the rivers and streams and their riparian wetlands that provide important wildlife habitats and scenery;
- ❖ open space to define the limits of the City, separate it from surrounding urbanization and provide it with a unique sense of identity.

The natural terrain, drainage and vegetation of St. George should be preserved with superior examples contained within parks or greenbelts.

<b><i>NATURAL SETTING — SUPPORTING OBJECTIVES</i></b>	<b><i>POTENTIAL DIRECTIONS</i></b>
A. Protect scenic vistas and visual quality of the I-15 City entries.	<i>The City is making progress, as evidenced by attractive new landscapes at several I-15 exits.</i>
B. Provide zoning incentives for preserving open space. Zoning incentives should promote preservation of steep slopes (i.e. above 15%) and flood plains.	<i>The only existing clustering incentive is a provision to allow a landowner to transfer homes out of the floodplain, or onto less steep land. Greater incentives are needed.</i>
C. Pursue public acquisition of open space.	<i>The City needs a detailed open space plan to provide specific direction and strategies to protect important natural areas (dry washes, riparian areas, scenic hillsides, wildlife habitats, etc.).</i>
D. Assure that new development does its part to protect our natural resources.	<i>The hillside regulations restrict development on steep slopes but still allow visual impacts on highly visible hillsides with slopes less than 40%. Review and strengthen the hillside regulations.</i>
E. Rehabilitate highly visible natural areas (i.e. hillsides and washes) that have been scarred or otherwise degraded by improper excavation.	<i>Repairing the scar on the hillside above the airport should be a high priority.</i>

## GOAL II. ECONOMY

Sustain a strong, diverse local economy to provide employment opportunities for St. George's residents.

<b><i>ECONOMY — SUPPORTING OBJECTIVES</i></b>	<b><i>POTENTIAL DIRECTIONS</i></b>
A. Revitalize the downtown area into a regional center for banking, offices, government and specialty commercial.	<i>There are many underutilized properties in the downtown. To accomplish this objective there is a need to adjust downtown zoning to allow higher density offices, commercial and residential (primarily outside of the Historic District), and to create a pedestrian-friendly, attractive downtown streetscape.</i>
B. Support locally-owned businesses.	<i>The City can help create attractive public spaces for commerce and business. In the long run, locally owned businesses will survive by focusing on niche markets, providing extraordinary service, and reinvesting to keep pace with competition.</i>
C. Attract industries that will need a skilled labor pool and will raise the local wage rate.	<i>Businesses typically follow the labor supply, not lead it. City efforts to provide affordable housing, college expansion, and incentives for specialty industries (medical for example) are all actions that will help attract residents that will attract business.</i>
D. Attract clean, non-polluting industries.	<i>A combination strategy will be required: creating incentives to attract clean industry (working closely with Economic Development) and establishing tough standards to discourage polluting industries.</i>

## GOAL III. SMART GROWTH

Foster orderly urban growth in ways that encourage efficient use of land (avoid urban sprawl), cost-effective provision of urban services and that results in a livable, attractive community.

<b>GROWTH — SUPPORTING OBJECTIVES</b>	<b>POTENTIAL DIRECTIONS</b>
A. Assure that growth occurs at a pace, and in areas, that can be reasonably sustained by City services and facilities and therefore does not place an inequitable financial burden on existing residents.	<i>Establish a logical and efficient phasing policy to assure that the City can afford to install and/or maintain new infrastructure.</i>
B. Identify growth areas that are accessible and cost-effective for St. George.	<i>Work with adjacent communities through the Metropolitan Planning Organization to establish logical growth boundaries. The Washington County Coordination Plan is a good starting point for regional coordination and determination of annexation areas.</i>
C. Assure that development takes place only with the presence of adequate public facilities to serve the development.	<i>Apply the City’s Concurrency policy consistently.</i>
D. Assure that new development is organized as neighborhoods, and is integrated with the existing neighborhoods. Where noncontiguous new development is justified, make sure it is self-sufficient, with jobs, housing, and shopping (not as ‘bedroom suburbs’) similar to Green Valley, for example.	<i>This goal would suggest new language for the subdivision regulations to discourage sprawl and “leap frog” development that results in separate “enclaves” that are not connected to adjacent development.</i>
E. Encourage existing development to become increasingly self-sufficient with shopping, work places, schools, parks and other facilities within easy walking distance of homes.	<i>This can be achieved by adopting zoning language that allows/encourages a mix of uses within categories. For example, the downtown Commercial zone could be amended to allow (or provide incentives to encourage) residential housing (such as apartments above shops) to provide housing opportunities for elderly who wish to remain independent and be able to walk to restaurants, movies and shopping even as they become less mobile.</i>

<p>F. Encourage neighborhoods that allow residents to remain in the neighborhood even as their life stages change (single, married, raising children, ‘empty nesters’, retirees).</p>	<p><i>Create zoning that allows a variety of residential types (single family, townhouses, apartments).</i></p>
<p>G. Promote the preservation and renovation of historic buildings throughout the City.</p>	<p>The concentration of historic buildings is one of the unique assets of St. George vis-à-vis other communities in the region. They add character, grace and timelessness to the downtown. Needed is an urban design plan for the downtown would be a helpful tool to show how the massing of new buildings could preserve a viable setting for the historic building.</p>
<p>H. Preserve farmland and open pastures that recall the agricultural heritage of St. George.</p>	<p><i>It will be difficult to preserve farms unless they are economically viable. The City’s most realistic strategy will be to protect the “right-to-farm” for as long as owners wish to farm.</i></p>
<p>I. The design of subdivisions as well as individual buildings is functional, attractive, and preserves the City's quality of life.</p>	<p><i>The City has adopted design guidelines in the Community Design Manual, but they need to be utilized more extensively and consistently.</i></p>

## GOAL IV. AFFORDABLE HOUSING

---

Provide a variety of housing types in attractive, functional neighborhoods, to meet the needs of all income levels.

<b>RESIDENTIAL — SUPPORTING OBJECTIVES</b>	<b>POTENTIAL DIRECTIONS</b>
<p>A. Support the development and provision of homes priced and sized to meet the needs of all community residents and workers, including low and moderate income, large families, handicapped, families with single heads of household and the elderly.</p>	<p><i>Fortunately, housing (such as for schoolteachers, clerks and police officers) is currently more affordable in St. George than in many other Western cities. However, the trend toward less and less affordability will grow. The City needs to take action now to refine its affordable housing strategy to assure a supply of affordable housing in the future.</i></p>
<p>B. To match job opportunities and to avoid concentrations of poverty, affordable housing should be distributed throughout the community in a way that allows it to blend inconspicuously with the surrounding neighborhood.</p>	<p><i>In the early years of many Utah cities, including St. George, affordable housing was mixed inconspicuously throughout the community. Allowing, encouraging, or even requiring a mix of home sizes and types within a neighborhood will</i></p>

	<i>restore much of the diversity that contributed to St. George’s vitality.</i>
C. Preserve areas for a rural lifestyle (very large lots, horse pastures, “ranchettes”) that are consistent with the local heritage.	These kinds of areas are usually preserved by consensus of the landowners in an area. Once designated, the City should resist piecemeal density increases, changing the zoning only with a consensus of the landowners of the whole sub area.
D. Maintain an overall gross density (for residential development) in St. George at 3 to 4 units/acre.	<i>St. George is currently a moderately low-density community (Las Vegas has a higher density, Hurricane has a lower one). However, to maintain this low density uniformly across each new development will lead to higher costs to extend and maintain infrastructure (e.g. fewer houses per mile of road). Therefore, while maintaining the current overall density, the City can encourage compact development interspersed with open space. This strategy will preserve lower overall densities, yet bring about compact development and lower costs for infrastructure. Clustering and compact development should be encouraged even more than they have been in the past.</i>

## GOAL V. TRANSPORTATION

---

Encourage land use configurations that will reinforce safe, efficient transportation system in and through St. George.

<b><i>TRANSPORTATION — SUPPORTING OBJECTIVES</i></b>	<b><i>POTENTIAL DIRECTIONS</i></b>
A. Make sure that new development preserves the rights-of-way that will be needed to accommodate future traffic needs.	<i>Rights-of-way for potential new roads are shown on the General Plan. They should be no larger than needed to flexibly accommodate future needs. Discourage the use of private streets where connectivity will be impaired.</i>
B. Assure that vehicle travel through neighborhoods will be at slow, safe speeds.	<p><i>Modify street standards to allow:</i></p> <ul style="list-style-type: none"> <li>• Streets narrow enough to cause a reduction in traffic speeds, but which accommodate public safety needs;</li> <li>• Traffic-calming devices on existing streets</li> </ul>

	<p>(planted medians, raised intersections and crosswalks); and</p> <ul style="list-style-type: none"> <li>• Interconnecting neighborhood streets (avoid cul-de-sacs) to avoid concentrating all the traffic on a few streets.</li> <li>• Public and private streets designed according to function rather than ownership status.</li> </ul>
<p>C. Since new road construction never catches up with traffic demands from sprawl, reduce per-capita automobile usage and thereby lessen both congestion and the public cost of new roads.</p>	<p><i>This can be accomplished by:</i></p> <ul style="list-style-type: none"> <li>• Providing walking and bike paths/lanes in an interconnected system that links major destinations.</li> <li>• Encouraging small, convenient neighborhood commercial centers throughout the City to reduce the need for cross-town traffic.</li> <li>• Making streets and squares safe, comfortable, and interesting to the pedestrian.</li> <li>• Discouraging walled, double-frontage streets that remove “eyes on the street”, that encourage high-speed traffic and make streets less convenient and desirable for walking.</li> </ul> <p><i>The City has developed a simple and comprehensive Community Design Manual that encourages these strategies, but its usage is still somewhat limited. Much more can be done to incorporate its concepts in all new development and redevelopment.</i></p>
<p>D. Provide safe, efficient airport facilities to meet the region's future capacity needs.</p>	<p><i>Acquire and zone the land around the new airport to avoid safety and land use conflicts.</i></p>
<p>E. Assure that the transportation impacts of new development are fully identified and mitigated in the development review process.</p>	<p><i>Establish regulations (especially for large developments) to require a transportation impact disclosure to avoid overlooking or underestimating impacts.</i></p>

## GOAL VI. RECREATION

---

Assure that adequate land is set aside in appropriate locations, to provide a wide range of recreational opportunities, for all ages, in an aesthetically pleasing setting.

<b>RECREATION — SUPPORTING OBJECTIVES</b>	<b>POTENTIAL DIRECTIONS</b>
<p>A. The Land Use Plan and the Parks and Recreation Master Plan are consistent, and that together they provide adequate parkland, in appropriate locations to equitably serve all residents. In new subdivisions there is an ample supply of parks (active and passive) whose design and placement encourages frequent use, and presence of people at all hours of the day.</p>	<p><i>The Parks Master Plan has been incorporated into the General Plan. However, currently, park impact fees do not cover the full cost associated with neighborhood parks for new development. This requires that existing development subsidize each new neighborhood park.</i></p>
<p>B. Utilize river corridors as linear greenway passive recreation areas.</p>	

## GOAL VII. WATER, POWER AND OTHER PUBLIC SERVICES

---

Ensure that water, power, and other public facilities and services are adequate to meet the needs of present and future residents of St. George.

<b>WATER, POWER AND PUBLIC SERVICES — SUPPORTING OBJECTIVES</b>	<b>POTENTIAL DIRECTIONS</b>
<p>A. Bring about community development practices that conserve and efficiently use water and power to maximize the use and benefit of this scarce resource.</p>	<p><i>Assure that land development makes highly efficient use of utilities, including water and power, both quantities and distribution. If necessary, phase new development in concert with cost-effective utility extensions.</i></p> <p><i>The Community Design Manual provides general guidance regarding xeriscape, the General Plan encourages development patterns that conserve water and power resources (cluster development, xeriscape, etc.). However, experience has shown that much more needs to be done to educate the public as to the issues and future conditions.</i></p>

<p>B. Assure that the planning and development review process fairly allocates, and assesses the cost of, the utilities and services that will be required to serve existing and new development.</p>	<p><i>The City has adopted Impact Fees that attempt to assess new development for the cost of mitigating the infrastructure costs related to that development. These costs change from time to time and the impacts fees need to be reviewed to assure that they reflect the true cost of development.</i></p>
---	--

## GOAL IX. EDUCATION

---

Assure that sound land use planning helps bring about convenient and affordable school sites.

<b><i>EDUCATION — SUPPORTING OBJECTIVES</i></b>	<b><i>POTENTIAL DIRECTIONS</i></b>
<p>A. School sites are located well in advance of development, and set aside at reasonable land costs, so that the school district is not forced to “leap frog” out to obtain cheap land, and thus stimulate sprawl development.</p>	<p><i>Designate school sites in General Plan as well as in Washington County Coordination Plan. Develop a purchase or reimbursement plan that will provide reasonably priced land to the school district.</i></p>
<p>B. School facilities are jointly utilized, and financially supported, to minimize costs to the public (City, School District and College).</p>	<p><i>Incorporate school sites in Parks Master Plan.</i></p>

# 6 PROPOSED LAND USES

## 6.1 LAND USE PLAN

This chapter interrelates all of the elements of the General Land Use Plan that have implications for the arrangement of uses on the land. The resulting Land Use plan, in the Appendix, is a graphic expression of the implementation of the various policies that make up the General Land Use Plan.

The General Land Use Plan is an important guide for decisions related to development. It encompasses areas within the City as well as areas anticipated to be annexed to the City in the future. The Land Use Plan is a visual reference for public agencies or private individuals seeking information about land development objectives of the City.

In addition to the *designations* on the Land Use Plan, a number of *policies* have been adopted to guide future City decisions on a case-by-case basis. These policies are listed below each section of this Land Use Plan.

The Land Use plan is *general* in that the land use designations are approximate; they may be indicated as "bubbles" that do not necessarily follow the existing property lines. Property-specific conditions are taken into account when the Planning Commission and City Council are requested to zone, rezone and/or grant a building permit for a specific parcel.

There are still major areas within the City boundary that are undeveloped. These are shown in Table 6-1.

Although there are natural constraints that preclude development in some areas, it is clear that there is much yet to be determined about the future form and character of St. George.

Table 6-1: Summary of major undeveloped areas of St. George.

AREA	SIZE
Ledges Annexation Area	2545 ac.
South Block/ Leucadia	10,000 ac.
Plantations	731 ac.
Southgate	220 ac.
Little Valley/ Washington Fields	300+ ac.
<b>TOTAL</b>	<b>13,700 ac.</b>

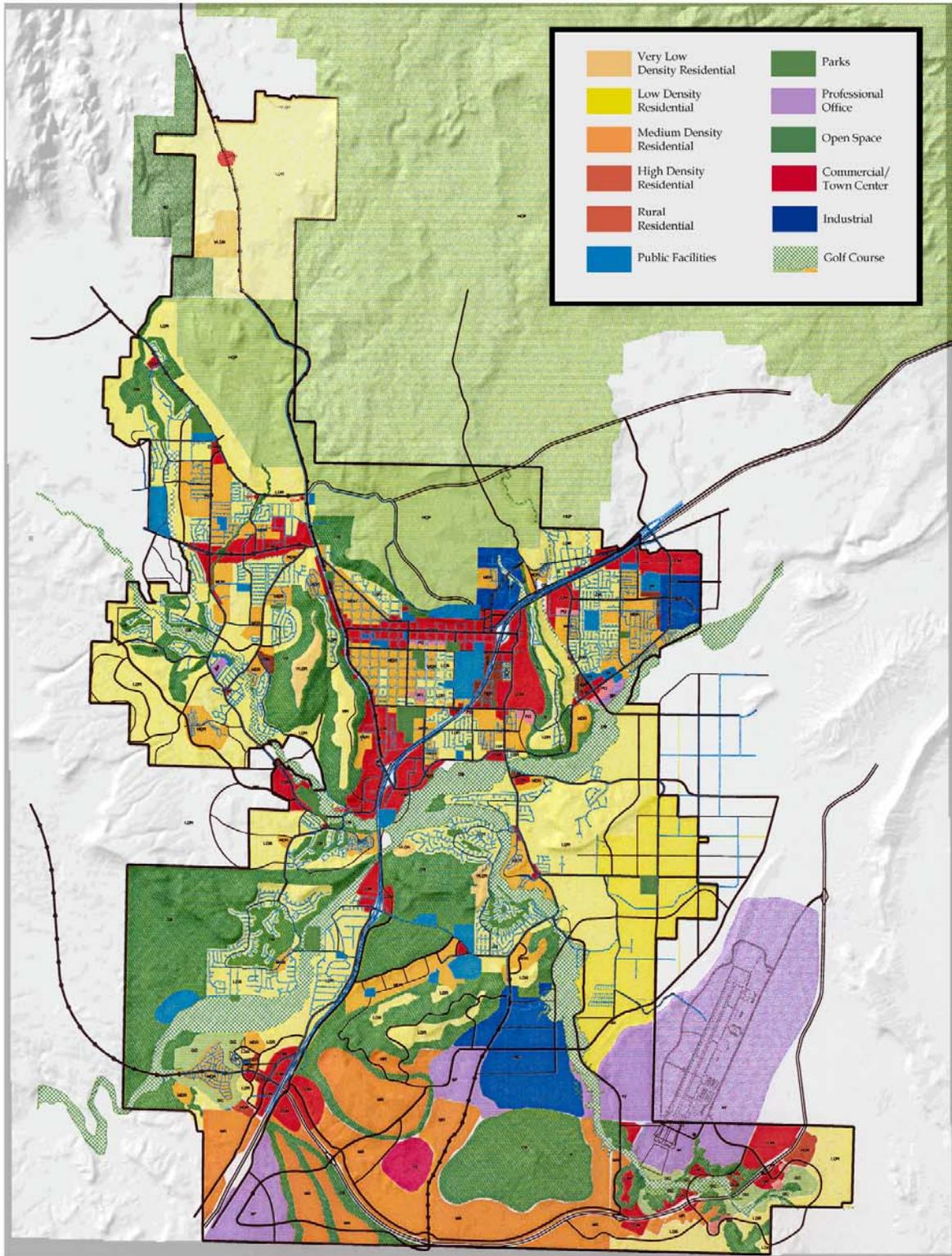
## 6.2 ZONING MAP VS. LAND USE PLAN

The Zoning Map (a separate document) and the Land Use Plan (included in this document) work hand-in-hand with each other. The Land Use Plan indicates general density ranges and indicates how development is to be located on the land, with special regard to preserving special natural features. The Zones in the Zoning Map are legal designations that assign a specific overall density to a specific tract of land. In most cases, the zoning is uniformly applied to a whole parcel of land. By contrast, the Land Use Plan follows land forms, floodplains and road patterns (rather than ownership boundaries) it indicates more generally how land uses should be arranged on the land.



Figure 6-1: An aerial view of Sun River





# LAND USE PLAN

## 6.3 RESIDENTIAL LAND USES

The Land Use Plan proposes the following residential density ranges:

Very Low	up to 2 units/acre
Low	2.1 to 4 units/acre
Medium	4.1 to 9 units/acre
High	9.1 to 22 units/acre

The above ranges may be converted to specific zoning districts based on case-by-case evaluation of the suitabilities of a particular area. Table 6-3 shows some of the potential Zone categories that could fulfill the designations on the Land Use Plan.

In the General Land Use Plan, the majority of the more recent development, (and most of the undeveloped residential land) in St. George is designated Low Density. There is a significant development capacity (6500 dwelling units) remaining in a number of approved-but-unbuilt projects, as shown in Table 6-2:

Table 6-2: Comparison of approved vs. built residential units.

Project	Total approved units	Approx. built to 2002
Entrada	710	150
Hidden Valley	1500	19
Fossil Hills	500	60
Stonebridge	673	100
Stone Cliff	661	62
Sunbrook	1100	350
Sun River	2391	300
<b>TOTAL</b>	<b>7535</b>	<b>1041</b>
Approved but unbuilt	<b>6,494</b>	

Medium Density designations are located in the older parts of the city, near arterials or major collector roads and as a transition zone, or buffer, between low-density residential areas and other more intense uses, such as commercial or industrial use. The interiors of central city blocks have been developed with Medium Density town home housing.

Building at higher densities is one of the most significant ways to reduce housing costs. This is important for retirees, college students, young couples and service workers. Higher density housing also fills a demand in St. George for luxury housing, such as condominiums.

Table 6-3: Comparison between Land Use Plan and Zoning Map designations

General Land Use Plan Designation/Purpose:	Density (DU/Acre)	Translates into these Zoning Districts:
<b>Residential Very Low Density (VLD):</b> To preserve agricultural land and steep slopes or dominated by rock outcropping or other unique geologic features. Intent is to encourage clustering in areas suitable for development and preserving remaining area as open space.	Up to 1 d.u./ac.	RE-5, R-1-40, Planned Development Residential
<b>Residential Low Density (LD):</b> Most single family type developments. Townhome projects may be allowed within these areas, provided the density limits are met. Low density is the predominant residential land use in the general plan.	1 to 4 d.u./ac.	R-1-8, R-1-10, R-1-20, R-1-40, RE-12.5, RE-20, RE-37.5, Planned Development Residential

<b>General Land Use Plan Designation/Purpose:</b>	<b>Density (DU/Acre)</b>	<b>Translates into these Zoning Districts:</b>
<p><b>Residential Medium Density (MD):</b> Townhomes, condominiums, apartments, duplexes and similar dwelling units that are more compact or have a higher density of development than standard single family homes. Homes on 6,000 sq. ft. lots are also considered to be in this land use category.</p>	5 to 9 d.u./ac.	R-1-6, R-1-7, R-2, R-3*, Planned Development Residential, MH-6, MH Parks  *up to nine d.u./acre
<p><b>Residential High Density (HD):</b> Areas adjacent to major roads and other services which are conducive for higher density apartment or condominium developments. High density is found near Dixie College for student housing or can be appropriate adjacent to commercial areas and away from single-family developments.</p>	10 to 22 d.u./ac.	R-3, R-4, Planned Development Residential
<p><b>Agricultural (A):</b> Little Valley and Washington Fields areas for low density housing and allowing large animals. Areas for commercial agricultural and dairying operations. Homes can be clustered on smaller lots to preserve agricultural land and open space, provided overall density remains unchanged.</p>	up to 1 d.u./ac.	A-1, A-5, A-10, A-20, RE-5
<p><b>Parks (P):</b> Public recreation areas including sports fields and playground areas.</p>	N/A	Public parks may be allowed in all zoning districts.
<p><b>Open Space (OS):</b> Permanent open space, but also allowing limited development activity such as gravel extraction, golf course development, livestock grazing, recreational facilities and public utilities.</p>	N/A	Open Space
<p><b>Public Facilities (PF):</b> Schools, libraries, fire stations or similar public facilities.</p>	N/A	Public facilities may be allowed in all zoning districts.
<p><b>Professional Office (O):</b> Development of professional offices including business and medical offices but not including retail sales. Often a buffer between residential and commercial or industrial areas.</p>	N/A	A-P, Planned Development Commercial
<p><b>General Commercial (C):</b> Various commercial uses, including the General Commercial areas (C-3), Highway Commercial (C-2) and Neighborhood Convenience Commercial (C-1).</p>	N/A	C-2, C-3, Planned Development Commercial
<p><b>Neighborhood Commercial (NC)</b> Small commercial businesses catering primarily to users from the surrounding area. Small-scale buildings may include convenience stores, gas stations, restaurants, professional offices, video rentals. Neighborhood Commercial is often located at the intersection of neighborhood and arterial streets to take advantage of higher traffic volumes.</p>		C-1 or PD Commercial
<p><b>Central Business District (CBD)</b> Pedestrian-oriented commercial in the downtown core area. May include shops, restaurants, offices, banking, hotels.</p>		C-4
<p><b>Regional Commercial (RC)</b> Shopping centers, big box stores and strip commercial centers that cater to, and are dependent upon, clientele from a regional service area.</p>		C-3, PD Commercial
<p><b>Industrial (I):</b> Various light manufacturing and industrial uses. Areas should be away from residential developments and near major arterial roads, particularly I-15.</p>	N/A	M-1, M-2

General Land Use Plan Designation/Purpose:	Density (DU/Acre)	Translates into these Zoning Districts:
<b>Business-Research Park (BP):</b> Well-landscaped business park accommodating needs of light manufacturing and various business offices. Outside storage of equipment and materials is not allowed in this area.	N/A	Specific zoning not yet established.

The Land Use Plan designates higher density housing throughout the community in locations that have adequate street and utility capacity as well as other amenities such as convenient commercial, parks, trails, etc. In addition, the General Land Use Plan encourages, and the Zoning Code allows, high density residential uses in Commercial districts. This will do much to bring residents and day/night presence in commercial areas, and also to provide living that allows elderly residents to remain self-sufficient even as they become less mobile.

**Central City Area**

The Central City area (Bluff Street to I-15 and 700 South to St. George Blvd.) contains many nice neighborhoods which are facing threats to their present quality and livability. The threats include:

1. Older housing units, many of which are in some stage of disrepair;
2. High percentage of housing units used as rentals. A Downtown Neighborhood Committee survey shows half of all residential units are rentals.
3. A relatively high number of zoning violations for such things as: excessive occupancy of dwellings, excessive weeds, and inoperable vehicles stored on residential lots;
4. Increase in number of group homes;
5. Demand for additional college student housing (rentals);
6. Increased traffic as drivers seek alternatives to St. George Blvd.
7. A concentration of high density housing in many downtown neighborhoods.

The City supports efforts to preserve and enhance the quality of life in downtown neighborhoods.

Some possible actions that will promote downtown neighborhood quality include:

1. Discourage the conversion of single-family homes to college student housing (rentals) by downzoning certain areas near Dixie State College (500 East to 700 East and 400 South to 100 South) from R-2 to R-1.
2. Continue to enforce zoning limitations on the number of unrelated occupants in a dwelling, and also other zoning code provisions (i.e. junk cars, weeds, etc.)
3. Provide loan and/or grant programs for housing rehabilitation and/or purchase when federal funding through such programs as Community Development Block Grant (CDBG) becomes available to the City.
4. Establish and enforce minimum property standards which will help prevent blighted housing and neighborhood deterioration.

**6.3.1 RESIDENTIAL LAND USE POLICIES:**

1. The City will zone land consistent with the designation of these density ranges on the Land Use map. Property owners and developers should not assume an entitlement to the higher range of densities when assigning zoning. In determining the appropriate density (within the range shown on the Land Use Plan) the Planning Commission and City Council will take into account *how and where* density is proposed to be placed on the property (i.e. design and location of buildings) as well as compatibility with adjacent land uses.
2. The City supports efforts to preserve and enhance the quality of life in downtown neighborhoods.

## 6.4 AFFORDABLE HOUSING

The American Chamber of Commerce Researchers Association (ACCRA) national cost of living index measures living cost differences among urban areas. A score of 100 is equal to the national average. In the third quarter of 2000, the overall *cost of living* index for St. George was 96.4, or 4% below the national average.

Affordable housing needs are typically related to the Area Median Income (AMI). Affordable housing usually targets a range, such as 60% to 89% of the AMI. An AMI range for Washington County, and the respective mortgage capability is shown below:

% AMI	2 Person Income	Mortgage	4 Person Income	Mortgage
110%	36,781		45,780	
100%	33,438	94,500	41,800	119,000
80%	26,750	75,600	33,450	94,500
60%	20,062	56,700	25,080	71,400

To put this in perspective, following are several local salary levels:

	Entry Level		Average	
	Earnings	% of AMI	Earnings	% of AMI
Teacher	\$24,121	57.70	29,070	69.54
Police/Sheriff	\$23,088	55.23	29,120	69.66
Bank Teller	\$14,768	35.33	16,848	40.30
Construction Laborer	\$16,432	39.30	24,336	58.22

Unlike many Western cities, for many years St. George has had a reasonable supply of affordable housing for low and moderately-income persons. St. George is currently meeting affordable housing needs through a combination of normal market demand through both public and private sector efforts. For example, in 2000 the following characterized home sales in the affordable category in St. George:

Location	Single-family		Condos/Townhouses	
	Average Price	Units Sold*	Average Price	Units Sold*
Dixie Downs	104,549	89	79,760	23
St. George City	127,296	57	100,236	141

Since these are average sales prices, this suggests that there are a reasonable number of affordable units in the St. George market.

Notwithstanding the current availability of lower cost homes, the affordability of housing in St. George is not assured into the future. The cost of housing will continue to rise due to the increasing cost of building materials, real estate, and necessary public infrastructure such as roads, water, sewer and power. It will be important for the City to continue to monitor, and take appropriate steps to assure, the affordability of housing.

### 6.4.1 AFFORDABLE HOUSING ISSUES

Many families seeking less expensive housing seek cheaper land in outlying areas and commute for employment. This results in increased traffic congestion, the need for more roads, greater energy consumption and an increase in air pollution. These impacts are significant, and will become more so.

An equally significant concern related to affordable housing is the stratification of the community. Most people begin their careers in entry-level positions with modest incomes. Many begin living on their own, married or single, in apartments or starter homes. If this type of housing is unavailable in St. George, it will rob the community of the vitality and commitment that young adults make to their community. Furthermore, whether young, middle aged, or older, there are many employees in St. George working for modest wages. Do we not have an obligation, so far as we can, to see that those who work in St. George have housing available to meet their needs?

One of the City's key goals is to promote an adequate supply of housing to meet the needs of all economic segments of the community. To encourage more affordable housing opportunities, the City has the following programs:

- *St. George Housing Authority (SGHA)*  
The SGHA currently has 30 units of public housing for elderly low-income households. Through HUDs Section 8 program the SGHA provides 151 rental subsidy certificates for families, the elderly and handicapped households. Unfortunately, the waiting list for both programs is at least one to two years long.
- *Comprehensive Housing Affordability Strategy (CHAS)*  
The CHAS program is intended to promote affordable housing opportunities for moderate, low, and very-low income families. The CHAS strategy includes a five-year and one-year action plan for planning and promoting safe and affordable housing for St. George, Washington County and the Five County area.

The General Plan Land Use map provides for development densities that allow a variety of housing types, including apartments, townhomes, condominiums, manufactured homes and detached single-family homes. This range in housing types and densities is designated in order to help meet the need for affordable housing.

#### 6.4.2 AFFORDABLE HOUSING POLICIES:

1. The City encourages a diversity in housing types and cost ranges, including those that will permit persons of low and moderate incomes to locate in St. George.
2. The City will continue to use available federal and state housing programs to assist in the production of affordable housing for low and moderate-income households.
3. The City will work with the SGHA and other affordable housing agencies to carefully

document and monitor the availability of affordable housing in St. George.

4. The City will continue to provide locations for higher density (affordable) housing, preferably scattered throughout the community and within each development area, avoiding 'enclaves' of affordable housing.

## 6.5 COMMERCIAL LAND USES

### 6.5.1 MAJOR COMMERCIAL DEVELOPMENT

The Downtown is St. George's original commercial center. It was the center for retail stores, offices, lodging and government. The original, compact downtown gradually expanded east and west in strip development fashion along St. George Boulevard, a State highway and the major thoroughfare. As St. George grew, other commercial centers developed. Today, there are nine primary commercial areas in St. George:

1. Downtown
2. Sunset/Dixie Downs
3. Phoenix Plaza
4. Sunset Corners
5. Holiday Square
6. K-Mart/Albertsons
7. Factory Outlet Stores
8. Red Cliffs Mall
9. Bloomington Courtyard/Wal Mart

With the exception of the Red Cliffs Mall, these centers are generally arranged as auto-oriented development centers (stores arranged around a parking lot). The Red Cliffs Mall is an interior shopping mall surrounded by parking. Two additional centers are currently proposed:

1. Pine View
2. Sunland Drive

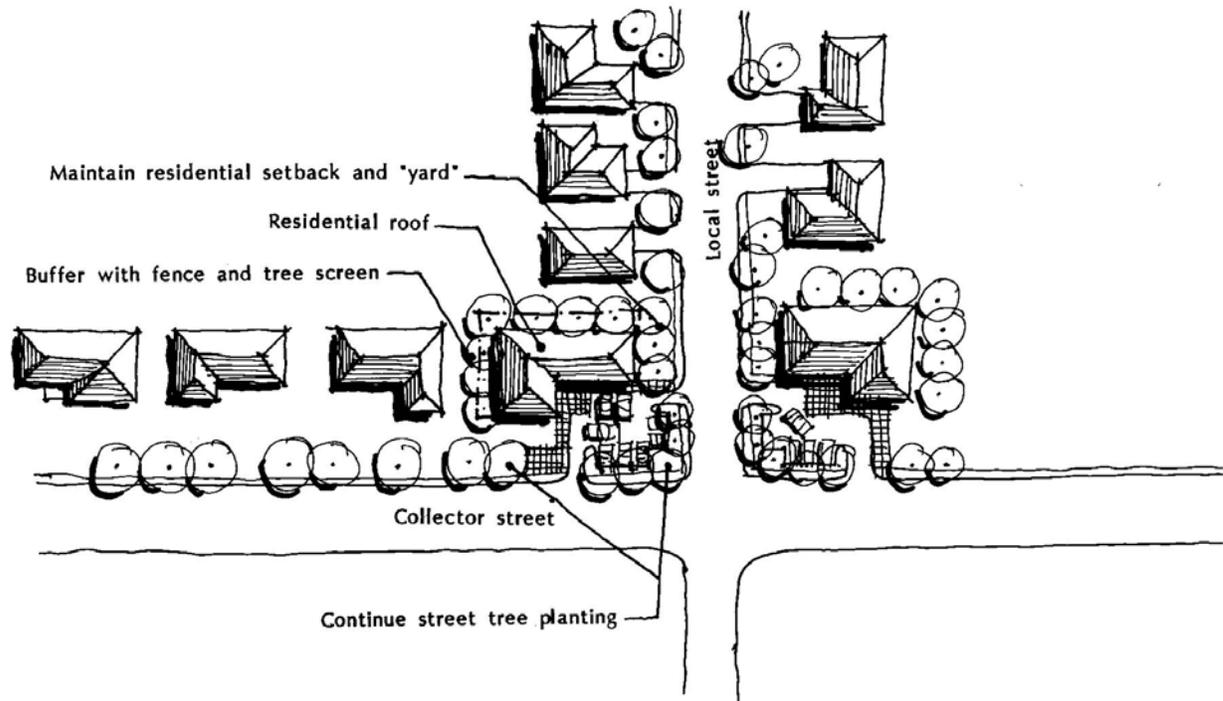


Figure 6-4: A hypothetical neighborhood center that blends well with adjacent residences.

### 6.5.2 “BIG BOX” RETAIL

A relatively recent retailing phenomenon is the emergence of “big box” retail stores such as Costco, Super Target, Lowes and Home Depot. These large stores (150,000 to 200,000 square feet) are often housed in windowless buildings (hence the term “big box”) surrounded by parking. Occasionally they are attached to, or near, other stores in a commercial center.

The primary appeal of big box retail stores is discounted pricing due to large purchasing and volume sales. While they often bring a significant tax revenue to a community, they also tend to place heavy competitive pressure on smaller stores.

The St. George/Washington City area has recently attracted a number of big box stores: Costco, Lowes, two Super WalMarts, Target and Home Depot. Collectively, they are a new, significant source of competition for existing retail stores and centers in St. George. Big box stores may well force existing stores and even major commercial areas to evaluate their competitive niche and seek

ways to distinguish themselves in the regional market.

The City has had a reasonable success in working with big box developers to create a facility that blends with its setting, through such things as landscaping in parking lots, and earth-tone building colors.

### 6.5.3 NEIGHBORHOOD COMMERCIAL CENTERS

Small neighborhood commercial centers such as at Green Valley (and Bloomington Courtyard prior to WalMart) are desirable to provide "convenience" commercial services within sub- areas of the City and thereby reduce the need for cross-town traffic for convenience items.

Within existing residential areas of the City, there are small, isolated vacant sites that are less desirable for residences (such as at busy intersections) that might be suitable for individual commercial or business establishments. These potential sites are too small and numerous to designate on the Land Use map and therefore need to be individually evaluated on a case-by-case

basis. The commercial or business buildings should be in scale with adjacent residential buildings (one or two stories, pitched roofs) and should be well-landscaped and fenced so as not to intrude into the neighborhood.



Figure 6-5: Green Valley Neighborhood Center

#### 6.5.4 SOUTH BLOCK COMMERCIAL OPPORTUNITIES

The South Block, with no existing development, represents an opportunity to re-evaluate current land use patterns and to establish new land use relationships that bring about ‘livable’ communities that are more efficient, less auto-dependent, and that re-establish traditional living patterns. With regard to commercial development this provides an opportunity for a greater mix of uses—such as combining commercial, office and residential into neighborhood centers with apartments or offices above stores that line traditional sidewalks. These neighborhood centers and small downtowns can easily combine automobile convenience with close proximity to residences and result in walkable, self sufficient neighborhoods that provide convenience goods and entertainment for a wide range of family types.

#### 6.5.5 COMMERCIAL LAND USE POLICIES:

1. Convenience commercial centers should be encouraged at appropriate locations in residential areas to increase convenience and reduce the need for cross-town travel. Small commercial buildings may be considered on a

case-by-case basis if the use and building are compatible with the neighborhood.

2. Along collector streets, strip commercial development (stores separated from the street by parking lots) should be avoided. The City will encourage commercial development in clusters or mixed-use centers to minimize the proliferation of strip development.
3. Commercial and business development along I-15 should have a pleasing appearance from the freeway. Highway facades should have finish materials similar to building fronts and attractive landscaping.
4. Major employment centers and other large traffic generators should locate near major collector or arterial roads.
5. Commercial areas in new development are encouraged to incorporate a mix of uses, including residential and office, in traditional (‘new urban’) development patterns.

## 6.6 BUSINESS LAND USES

St. George's attractiveness for business development is growing. The climate, natural setting and livability of the community make it an appealing location for employees. Its proximity to Las Vegas (two hours drive) and air service to Salt Lake City have greatly increased its convenience for business.

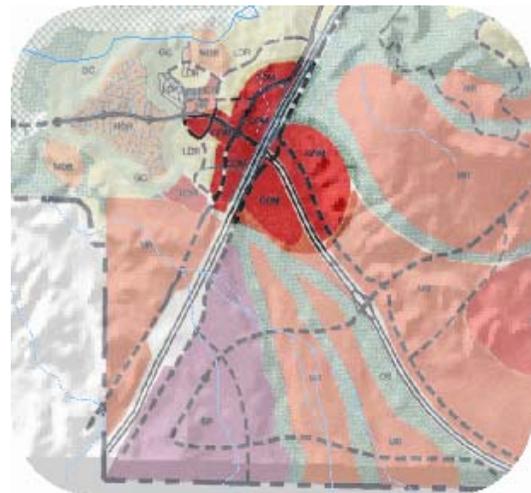


Figure 6-6: Proposed Port of Entry Commercial and Business Park

At the same time, St. George and Washington County have an extremely low wage rate, relative to both the State of Utah and the US. In 1999, the average monthly wage for non-agricultural employment in Washington County was \$1,776 compared to \$2,291 for the State. In 1999, Washington County averaged 63% of US wage rates, while the State of Utah averaged 85% of the national average. In 1999, national average non-farm monthly wage was \$2,776.<sup>2</sup>

It is an important goal of the City to attract upscale employment opportunities to the St. George area.

A business park or corporate center is proposed for the Port of Entry at the future Southern Corridor interchange on south I-15 (see Land Use element). This business park is envisioned as an attractive setting for office, research, or indoor-manufacturing operations in a campus-like setting.

#### 6.6.1 BUSINESS LAND USE POLICIES:

1. The city shall encourage and help attract business development that will provide higher-than-prevailing wage rates.

### 6.7 LIGHT INDUSTRIAL LAND USES

Future light industrial areas designated in the city are Millcreek Industrial Park and adjoining land to the north, and the Ft. Pierce Industrial Park and adjoining area to the south. The latter area is located approximately one mile south of Bloomington Hills and along River Road. This area is buffered from other land uses by the hill to the north, the Ft. Pierce Wash to the east, the White Dome open space area to the south the Price City hills to the west. Some light industrial area is also envisioned near the proposed new airport southeast of Little Valley.



Figure 6-7: Eola facility in the Ft. Pierce Industrial Park. Adjacent is the site for Blue Bunny Ice Cream.

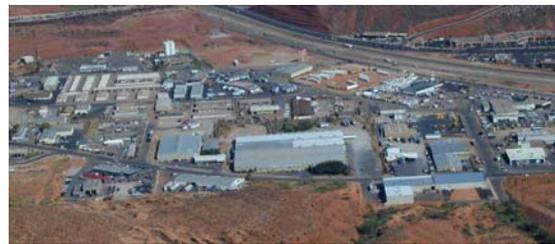


Figure 6-8: The old St. George industrial area adjacent to I-15.

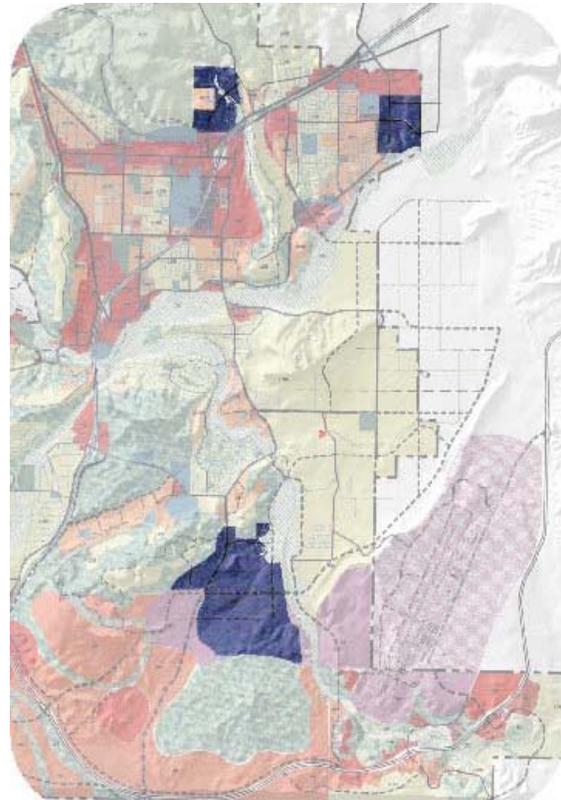
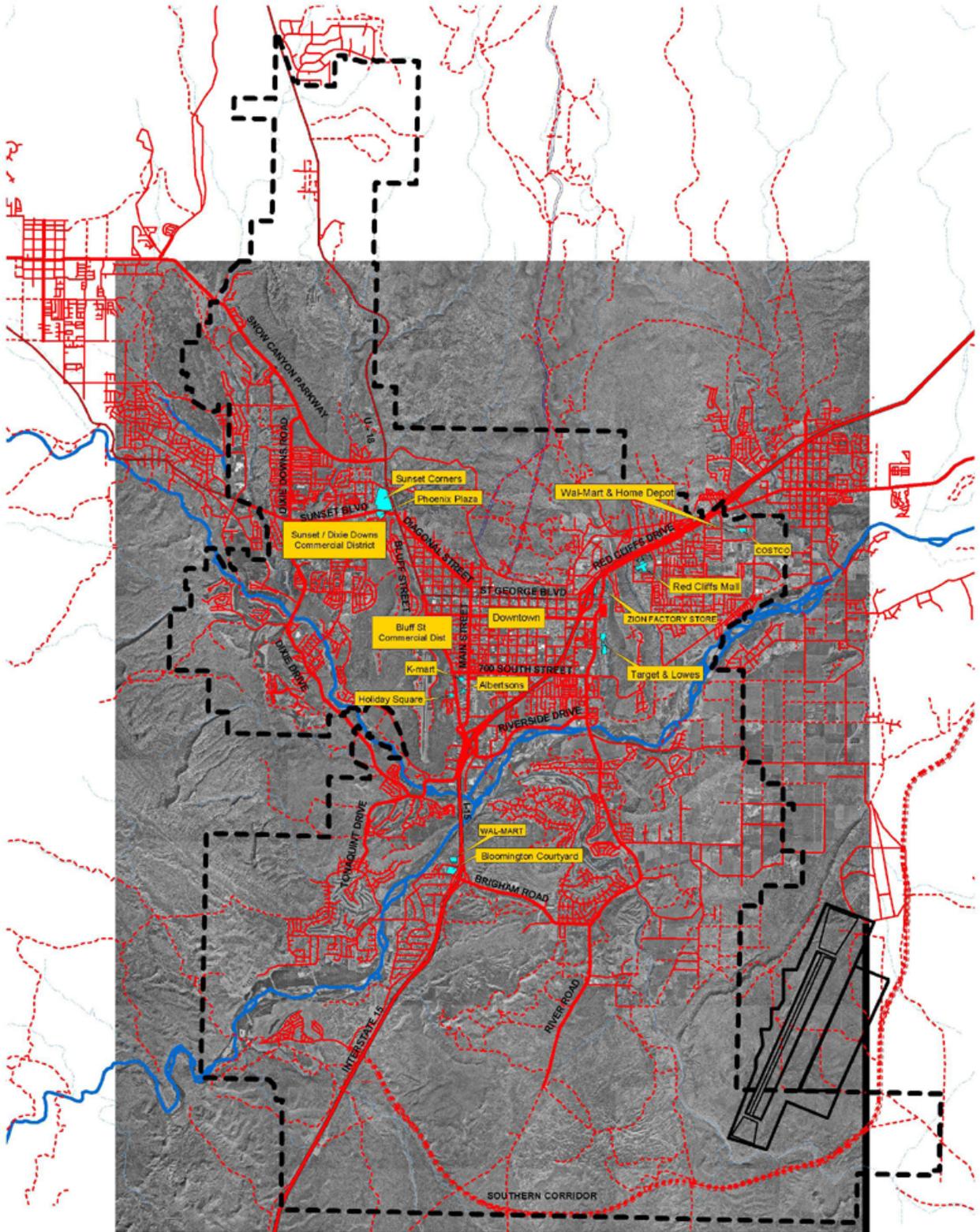


Figure 6-9: Industrial Areas in St. George

<sup>2</sup> Wage Information Source: Utah Dept. of Workforce Services



COMMERICAL AND BIG BOX RETAIL AREAS



### 6.7.1 LIGHT INDUSTRIAL LAND USES POLICIES

1. Industrial development should not be located in areas, which would diminish the desirability of existing and planned non-industrial areas. That is, they should be separated from residential uses by either a natural, physical buffer or a buffer of land uses that make a gradual transition from one type to the next.
2. Industrial development requiring large outdoor storage yards or outdoor work areas shall be visually buffered from major collector or arterial roads and residential areas.

## 6.8 AGRICULTURAL LAND USES

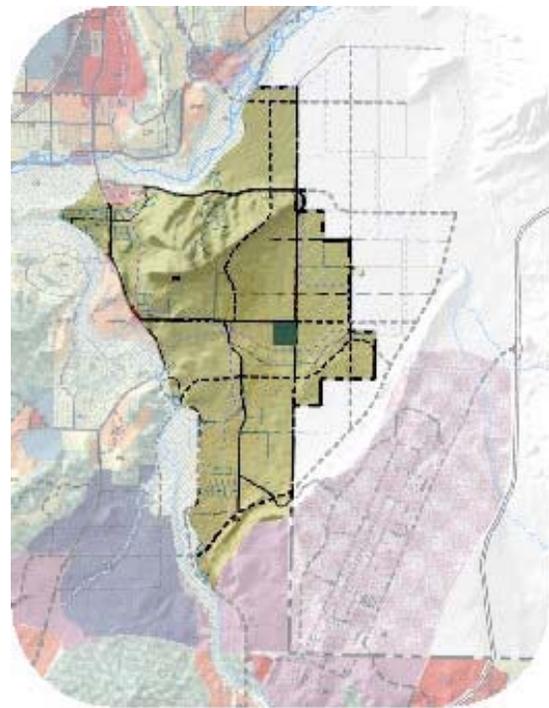
Agricultural land is a non-renewable resource. Once public and private decisions are made to convert agricultural land to non-agricultural uses, the resource is almost always irretrievably lost. Furthermore, the continued productivity of St. George's agricultural land is dependent on retaining the water rights with the land.

Agricultural land has two public benefits: 1) self sufficiency and cost advantages of local production, and 2) preservation of open space and aesthetic values associated with the rural lifestyle that has played an important role in the region's heritage.



*Figure 6-10: The "Washington Fields" agricultural area.*

The primary productive agricultural soils in the vicinity of St. George are located in the areas known as Washington Fields and Little Valley. The primary crop has traditionally been alfalfa for livestock feed. It is the intent of the following policies to discourage the conversion of viable agricultural lands to urban uses, and to provide mechanisms and incentives to preserve agricultural lands and opportunities for a rural lifestyle. The existing farmlands in the Washington Fields and portions of the Little Valley area are recommended to remain very low density agricultural areas (less than one dwelling unit/acre). Roads and other infrastructure in these areas are planned to retain a rural setting. A portion of the Little Valley area is recommended as a transition zone with a slightly higher residential density (up to 2 units/acre). This density will allow room to pasture large animals, yet still provide a slightly higher residential density than the Washington Fields area.



*Figure 6-11: The agricultural areas in Little Valley and the Washington Fields.*

### 6.8.1 AGRICULTURAL LAND USE POLICIES

1. Productive agricultural land is a limited resource of both environmental and economic value and should be conserved and preserved. Preservation and enhancement of a rural lifestyle is an important component of the cultural, social and aesthetic well-being of the region.
2. The City encourages land use/ development approaches that preserve areas of agriculturally productive land.
3. Agricultural uses shall be encouraged in the Little Valley and Washington Fields areas. Urban types of development (with curbs, gutters, sidewalks and lots less than 40,000 sq. ft.) shall be discouraged in these areas.
4. The City shall discourage the conversion of agricultural water to urban uses except where the proposed use would not adversely affect productive agricultural land and is otherwise consistent with the City General Plan.

## 6.9 PARKS AND RECREATION

Parks and Recreation are important aspects of a healthy community. Recreation facilities, programming and events are also important direct and indirect economic development tools. Indirectly, they help attract people and businesses to a community. Directly, recreation events can bring important sources of revenue, and recognition, to a community. In St. George, events such as the St. George Marathon, World Senior Games, state baseball tournaments and softball tournaments have a significant impact on the City economy.

*The size and distribution of Parks also integrally affect, and needs to be coordinated with the other land uses in the City.*

In 1994, the Leisure Services Department completed a Parks Master Plan that guides the acquisition and development of park facilities.

Based on recommendations in the Parks Master Plan, St. George has established a target of six acres of developed parkland per 1,000 residents (also known as a Level-of-service, or LOS). At this ratio of 6 acres per 1,000 population LOS, for today's population of approximately 50,000, the City should have 300 acres of developed park land.

The City has approximately 284 acres of developed park land. This equates to an actual LOS of 5.1 (acres of developed park per 1,000 population). This LOS was achieved to a significant degree by a 1996 voter-approved \$18 million Recreation Bond for the development and construction of new park facilities. Using both the bond proceeds and money available from park impact fees, 120 acres of new park lands were added.

Also aided by the 1996 Bond Issue, and per the Parks Master Plan, the City has added:

13 picnic shelters	12 tennis courts
7 softball fields	9 volleyball courts
4 horseshoe pits	9 outdoor basketball cts
10 playgrounds	5 restrooms
1 amphitheater	1 covered pool
1 nature center	

To continue to meet the needs of a growing population and the City's LOS goals, additional park land needs to be acquired and developed. planning is needed to reassess our current facilities and develop guidelines for new acquisitions and construction.



Figure 6-12: St. George's Aquatic Center

### 6.9.1 PARK IMPACT FEES

A portion of the City’s needed future park land is met by requiring future developments to set aside park land (or pay fees in lieu of) in proportion to the demand created by that development's residents. As shown below, the City’s park impact fees only cover a portion of the total costs of a Neighborhood park.

*Impact Fee revenue calculation for each 5-acre park:*

Population per 5-acre park:	1,000
Persons/ home:	/ 3
<hr/>	
Homes per 5-acre park	330 homes
Impact Fee	x 1200/home
Revenue per 5-acre park:	\$400,000

*Park development costs (for a 5 acre park):*

Land cost: 5 acres x \$30,000/ac.:	\$150,000
Development cost: 5 acres x \$100,000/ac.:	<u>\$500,000</u>
Total	\$650,000
Impact fee revenue	\$400,000
<hr/>	
Net deficit per park	\$250,000

Park impact fees are usually most practical only for meeting *Neighborhood* park needs. Community parks and Special Use Parks usually serve more than one neighborhood and are most effectively developed by the City. The costs of these kinds of parks must be recaptured through taxes or special assessments.



*Figure 6-13: Neighborhood soccer game*

### 6.9.2 PARK PLANNING STANDARDS

To enable designating park needs in the General Land Use Plan, following is a general description of St. George’s two primary park types and their amenities.

#### **Neighborhood Parks**

Neighborhood parks are usually within walking distance from the population served.

Neighborhood parks usually include an interior trail which connects to the neighborhood served, a playground with an open play area, pavilion, minimal parking, basketball court and/or sand volleyball. Neighborhood parks usually have a much more intensive day -to-day use than community parks. These parks are generally funded by development impact fees.

#### **Community Parks**

Community parks are areas of diverse environmental quality. They may include areas suited for intense recreational facilities, such as athletic complexes or large swimming pools. There may be an area of natural quality for outdoor recreation such as walking, viewing, sitting or picnicking. There may exist any combination of the above, depending upon site suitability and community needs. A good example of a community park is Snow Park, Snow Park Ballfield Complex and adjacent City Pool complex. It should be understood that Community parks serve dual purposes, as these areas are also used as Neighborhood parks for surrounding neighborhoods.

### 6.9.3 PARKS AND RECREATION POLICIES

1. The City will update the Parks and Recreation Master Plan and use it as a guide for locating and prioritizing park development and land acquisition for parks.
2. *Level of Service.* The City shall maintain the current level of service for developed neighborhood parks of 5.4 park acres per 1,000 residents.

3. The City shall strive to raise the total developed park land level of service (including neighborhood and community parks) to 6 acres per 1,000 residents.
  4. The City shall adopt standards for other recreation amenities (swimming pools, tennis courts, etc.) as set forth in the Parks Master Plan, and implement them through general funds, grants, impact fees, and a general bond obligation.
  5. The City will create a linear park (or greenbelt) system to connect neighborhoods to parks, open spaces and other community facilities.
  6. The cost of community or other special use parks and their amenities shall be equitably shared by all residents.
  7. New development shall provide neighborhood park facilities or impact fees-in-lieu to meet the demand created by the residents of the development (demand as defined in LOS standards of the Parks Master Plan).
  8. All residents of the City should have a neighborhood or pocket park within ½ mile walking distance.
- scenic areas and views, including the steep mesas and hills that frame the city, such as:
    - the west and east Black Ridges
    - the Red Hill north of St. George
    - portions of Webb and Schmutz Hills
    - Bloomington Ridges
  - areas with natural hazards (e.g. steep slopes, geologic hazards, floodplains), such as:
    - the floodplains of the Virgin and Santa Clara rivers
    - the White Dome and gypsum hills area south of Bloomington<sup>3</sup>
    - wetland areas
    - major dry washes, including Halfway, Ft. Pierce, Middleton, Sand Hollow, City Creek and Bloomington.
  - significant ecological habitats, such as: the Desert Tortoise Wildlife Management Area north of St. George (including most of Paradise Canyon and adjacent land to the east and west)
  - land that separates communities and keeps them from growing together.

Greenbelt and open space land can also be used for passive recreation and trails connecting significant facilities (parks, schools, commercial areas) and to

## 6.10 OPEN SPACE

In its broadest sense, open space is land that is not used for buildings or structures. It is a respite from development. Open space is farmland, mountains, river bottoms and mesa top vistas. It may also be parks and even cemeteries, golf courses and tree-lined streets. Although St. George is surrounded by vast areas of open space, permanent, accessible open space *within* the community is equally important to the citizens' quality of life. Open space must not be viewed merely as land left over after development, or land waiting to be developed. It is an essential element of the character and livability of a city.

Areas within and around the community that are desirable to be preserved as permanent open space include:

- existing and future park sites,



*Figure 6-14: There are still close-in parcels of farmland and floodplain that could become valuable open space for future generations.*

<sup>3</sup> Although most of this land is owned by the State under School Trust Land and is intended for sale and development, the White Dome soil conditions will likely preclude its development.

provide residents with access to natural resources. For example, a city-wide greenway system along the Virgin and Santa Clara Rivers could serve as the unifying element of an open space network and assure public accessibility.

In addition to their intrinsic values, open spaces can also be connected to form a continuous passive recreation opportunity for the community. A growing number of communities have discovered the value of greenway systems, both as scenic trails and connections between other recreation facilities.

There are a variety of techniques, which may be used to help preserve open space. They include:

1. Zoning
2. Acquisition
3. Conservation Easements
4. Development Clustering and/or Transfer of Development Rights (TDR)

There are a number of entities in the St. George area that are, or can be, engaged in the preservation of Open Space. They include:

- ❑ Virgin River Land Preservation Association
- ❑ Bureau of Land Management
- ❑ Utah School and Institutional Trust Lands
- ❑ Washington County Water Conservancy District
- ❑ Utah State Parks
- ❑ St. George City
- ❑ Washington City
- ❑ Santa Clara City

The most effective way to coordinate this many entities is with an overall plan and strategy. An Open Space plan will also help focus the City's efforts and assure that public resources are preserved in the most cost-effective way possible.

### 6.10.1 OPEN SPACE POLICIES

1. The City shall actively pursue the preservation of significant open space through zoning,

conservation easements, acquisition, clustering, transfer of development rights (TDR's), supporting land conservancies (such as the Virgin River Land Preservation Association), and other land preservation techniques.

2. Land designated as Open Space on the Land Use map is intended to be preserved permanently free from development and left in a natural state and/or used for recreational purposes such as parks, golf courses and pedestrian/bicycle trails.

## 6.11 BIKEWAYS

Bicycle riding is both recreation and transportation. Bike route planning should consider the needs of both recreational riders and commuters. As a retirement and tourist community, St. George needs a well-planned and functional bikeways system as part of its community development plan.

There are three basic types of bikeway facilities in St. George:

### ➤ Shared Roadway

Legally, bicycles are classified as vehicles and may be ridden on most public roads in Utah. Bicycle use of roadways is common on low-volume local city streets and rural roads. Bicycle commuters (people who use bicycles as a primary means of transportation) often prefer the convenience of using any street or road to reach their destination.

On a shared roadway bicycles must emulate vehicle drivers (i.e. follow the rules of the road). Where bike travel is significant, shared roadways are often signed to remind drivers that the road/street is a bike route and that bicyclists have equal access rights.

### ➤ Bike Lane

Many communities stripe bike lanes along the sides of designated roads or streets to provide some separation from cars, and to create a more

visible encouragement of bicycle use. Even with striped bike lanes bicyclists must obey the rules of the road (e.g. travel in the same direction as the adjacent traffic). Typically, bike lane striping is discontinued at intersections to alert bicyclists to be aware of, and merge with, vehicular traffic; and to allow bicyclists to make proper turning movements (e.g. turning left from the inside traffic lane). Bike lanes are typically a compromise between shared use roadways and bike paths.

➤ **Bike Path**

Bike/recreation paths are physically separated from vehicular traffic ways and are usually two-way facilities. Bike paths are normally preferred for small children and recreational/tourist use, including walking, jogging and in-line skating. Major advantages of off road bike paths include safety from vehicle conflicts, lack of noise and the ability to be located in scenic settings.

The City has greatly increased pedestrian/bicycle paths throughout the community. Over 21 miles of trails currently exist in the park system, almost 13 miles of which have been constructed in the last 5 years. By the year 2002, the City plans to have over 30 miles of interconnected trails for both



Figure 6-15: *Virgin River bike path*

leisure and transportation.

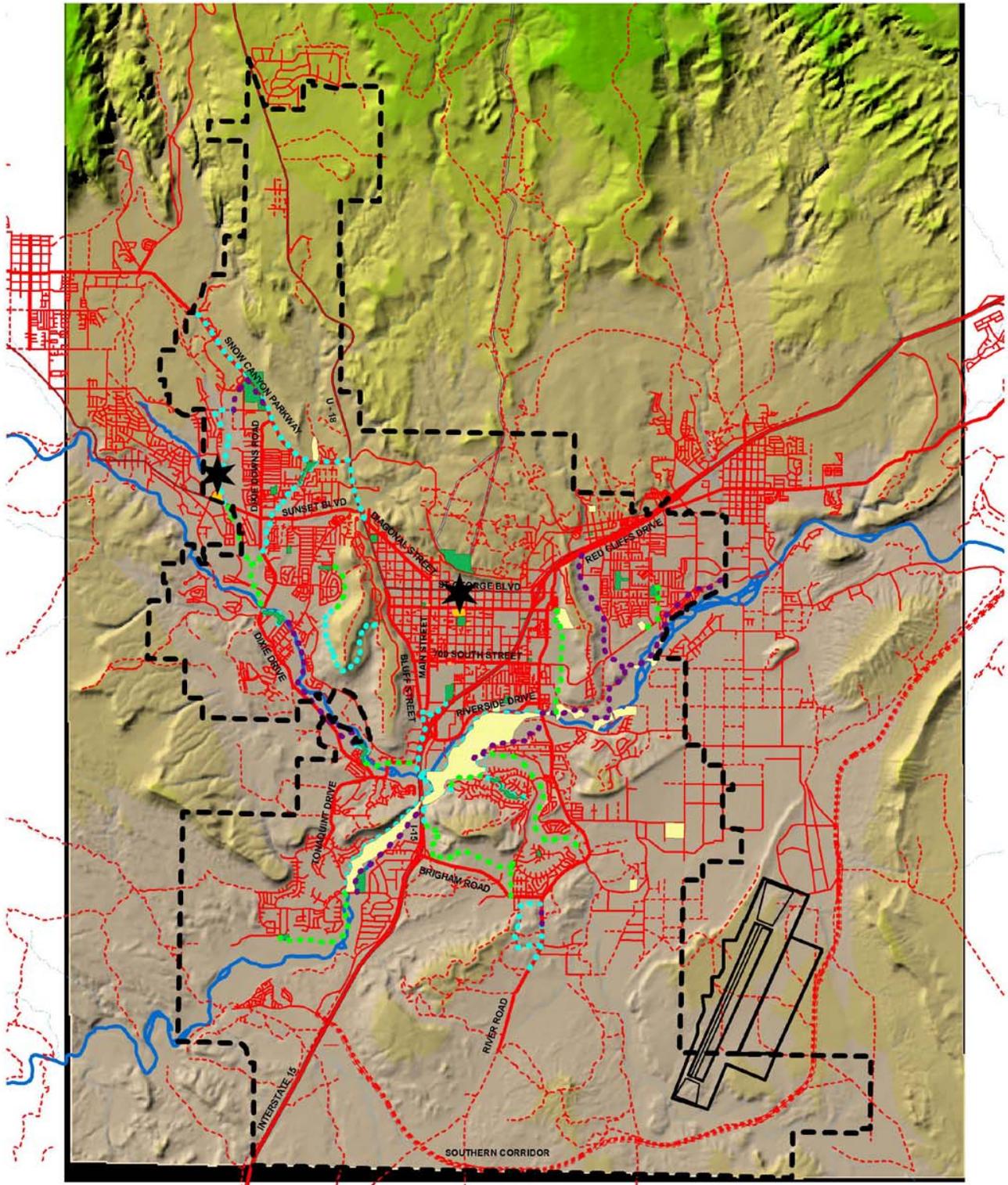
Bike/recreation paths provide access to scenic areas such as the Virgin River Parkway and other areas (shown on the Bikeway Map). With relatively low levels of use, bicycles can safely share the

pathway with pedestrian users. Because most bike path accidents occur at intersections with vehicular traffic, connecting points to roadways should be carefully designed.

Bikeway facilities fall under two jurisdictions: Transportation Department manages bike lanes, and the Parks and Recreation Department designs and manages bike paths. Bikeway facilities are a valuable amenity to both guests and residents of St. George. Private development of bike and recreational paths should be encouraged. Care must be given to assuring that all paths are safe and eventually tie into a comprehensive, City-wide system.

**6.11.1 BIKEWAY POLICIES**

1. The City will implement a bikeway system that integrates and interconnects pedestrian paths and on-street bike lanes, that will connect major destinations (shopping, schools) with parks and open space corridors.
2. The City will assure that all new development provides either off-street bike/pedestrian paths, or detached sidewalks, or both, and shall encourage such paths to be designed and located to tie into a Citywide system.
3. The City will implement elements of the Bikeway Master Plan as funding is available.
4. The City will connect on-street bike lanes to the bikeway system.
5. Bike/recreation paths will be included, in all greenway corridors wherever physically and environmentally possible.
6. Bike/recreation paths should take advantage of street and utility rights-of-way when available. The City will work with other land agencies such as irrigation companies, utility providers, the County and State, to obtain access for trails.
7. The City shall aggressively pursue alternative funding sources (private, County, State, Federal) for implementation of the Bikeway Master Plan.



## PARKS, OPEN SPACE AND TRAILS



## 6.12 TRANSPORTATION

The Transportation element of the General Plan addresses decision-making related to the transportation of people, goods and services in the St. George region. The primary objective is to develop and maintain safe transportation systems which meet the public's travel needs. The City of St. George's transportation systems include roadways, public transportation, sidewalks, bike lanes and the airport.

### 6.12.1 ROAD MASTER PLAN

The roadway system consists of a hierarchy of street types: major and minor arterials, major and minor collectors, and local streets. To guide the installation of new roads and improvements to existing roads, the City has adopted a Road Master Plan that designates both alignments and types for St. George's major roadways (future local streets are not necessarily specified) that the City anticipates will be required in the future.

The Road Master Plan guides the City's own capital improvements planning, as well as that of private development. In accordance with the Road Master Plan, the City can:

- deny development that would preclude proposed roads;
- require developers to locate internal streets so they are consistent with the Road Master Plan;
- require developers to construct new roads, and make improvements to existing roads, if justified by the anticipated traffic impacts of the proposed development.

The Road Master Plan is coordinated with and reinforces the overall City General Land Use Plan to assure that roads provide necessary traffic capacity consistent with the land uses that will generate the traffic. For illustrative purposes the road system shown in the Land Use Plan is a generalization of the Road Master Plan. The Land Use Plan uses a slightly different graphic designation for road types, and several minor

alignments have been adjusted to respond to topography and land use considerations. *However, in all cases the Road Master Plan is the governing document regarding roadways in the City.*

### 6.12.2 TRAFFIC PLANNING AND LAND USE

Traffic planning is integrally related to land uses. For example, commercial areas typically generate higher traffic levels than residential areas. Likewise, without some mitigation, busy highways are less desirable for single family homes than low volume local streets. Traffic management strategies generally fall in two broad categories: *system* and *demand*.

#### **Management of the traffic system**

*System* strategies are typically low-cost physical actions intended to enhance the mobility and general efficiency of the existing highway system. Examples of System strategies related to Land Use planning include:

- managing the location of driveways, sharing of driveways, frontage roads, etc. to minimize disruptions in traffic flow.
- removal of on-street parking for major thoroughfares
- improved circulation (increased connections, reductions in cul-de-sacs and single-entry loops)

These strategies are related to Land Use planning in that they begin to dictate the design of streets, their attractiveness as places to live, and the relationship of homes and offices to streets (e.g., removal of on-street parking creates a need for alleys to serve either homes or businesses).

#### **Management of traffic demand**

*Demand* management strategies involve actions to influence people to make less, or more efficient, demand on the traffic system. These strategies generally include techniques to

1. make more efficient use of the existing road space (one-way streets, special lanes for high occupancy vehicles, etc.);
2. reduce auto usage in congested areas or time periods;
3. Limit housing density in congested areas, i.e. areas without adequate traffic capacity.

These strategies impact Land Use planning in that they affect the width of road rights-of-way, and they generally attempt to increase transit ridership through improved transit service and efficiency. Experience has shown that efficiency of transit is directly related to the density of the area being served (higher density results in higher efficiency).

### 6.12.3 ROADWAY/LAND USE POLICIES

1. The City will encourage traffic *demand management* strategies to reduce traffic congestion and air pollution, and increase energy conservation.
2. New developments will be required to improve intersections on collector and arterial road intersections to maintain not less than Level-of-Service “D” (including less than 40 seconds average wait at an intersection) during peak hours.
3. Traffic analysis for development approval shall be based upon a traffic study in accordance with traffic engineering principles accepted by the City.
4. Developments may be required to mitigate off-site impacts caused by development. (i.e., intersection and lane improvements)
5. Limit the use of private streets where public circulation and connectivity will be impaired.

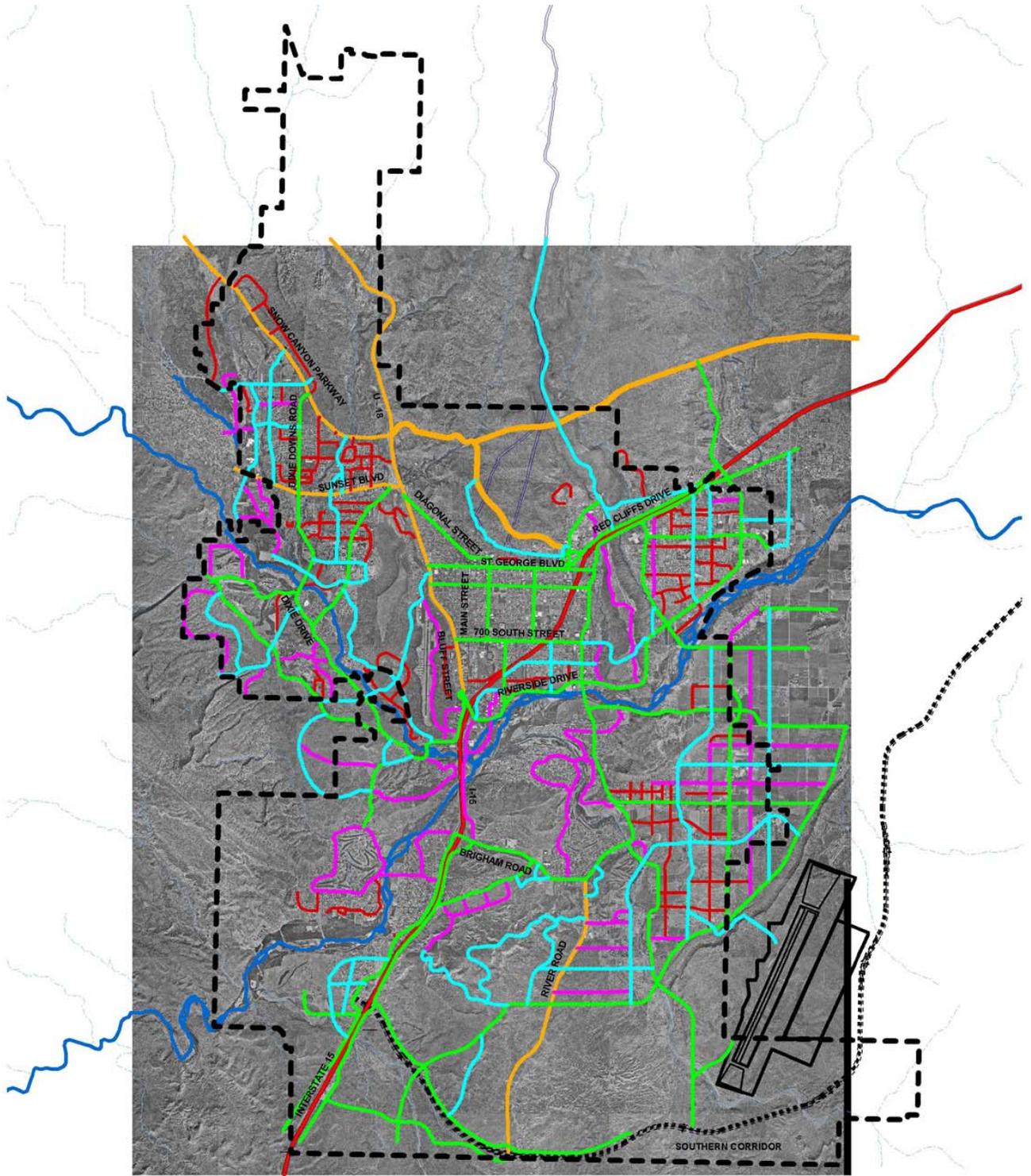
## 6.13 STREET PATTERNS

St. George’s original street design followed the pattern of other western Mormon communities: wide streets in a rectangular grid pattern. In the early 1900’s, city planning philosophies in the U.S. moved away from the strict geometry of the historical grid toward a ‘modernist’ vision of private streets, cul-de-sacs, and wide, curvilinear

streets, connected to fast, limited-access arterials. We now refer to this pattern as suburbia. Bloomington, Bloomington Hills, Green Valley and many other developments around St. George are laid out in a ‘suburban’ cul-de-sac form.

In the suburban, cul-de-sac model, what has been gained and what has been lost? In recent years the suburban road pattern has given us unexpected trade-offs. For example, in the suburban model, cul-de-sacs feed into collectors, which quickly lead to arterials. The privacy and low traffic volumes on cul-de-sacs are offset by the increased traffic impacts on the residents that front on the collector streets.

The response by developers has been to back the homes onto the collector streets, installing privacy walls as a way to block out the noise. This creates the need to construct another street on the front side of the house for access. The result is a quieter setting for the residents, but more expensive “double frontage” lots, and a depersonalization of the street for the public. St. George is replete with streets enclosed on both sides by privacy walls. Even with attractive landscaping, these streets have a negative appeal to walkers, and have no front porch “eyes on the street” that provides a natural deterrent to crime.



# ROADS MASTER PLAN

- |   |                |   |         |   |                |   |                 |  |           |   |            |
|---|----------------|---|---------|---|----------------|---|-----------------|--|-----------|---|------------|
|  | Limited Access |  | 50' ROW |  | Collector Road |  | Major Collector |  | Arterials |  | Interstate |
|---|----------------|---|---------|---|----------------|---|-----------------|--|-----------|---|------------|



Faced with these concerns, there is a growing appreciation for some of the previously overlooked merits of the traditional grid street pattern. For example in the grid system, there are multiple choices for routes to take to any given destination. One can start out in a variety of directions, and also have choices if a particular route becomes congested. The end result is a general equalization of traffic over the whole grid.

Also, collector roads can be made ‘livable’ through the traditional use of larger setbacks, medians, and alleys to allow parking from the rear.

**6.13.1 STREET PATTERN POLICIES**

1. The City’s overall objective is to provides access to land development while simultaneously preserving the flow of traffic on the surrounding road system. The City will strive to meet this objective through the following policies, which based upon examples of subdivision design that can be found in St. George.
2. The City will avoid cul-de-sacs unless required by physical constraints of the land (steep slopes). Rather, local streets will generally be arranged in a ‘modified’ grid to provide multiple routes through a neighborhood, and through the city, thereby diffusing traffic.
3. The City will avoid double frontage lots that result in rear, walled yards facing a public street. As an alternative to walled streets, the City strongly encourages (prefers) to avoid the necessity for sound walls by modifying the subdivision design to create a traditional parkway or “boulevard” condition, similar to those found in older St. George by one or more of the following:
  - a. Increasing the setback from the Collector, allowing houses to front on the Collector (with driveway access to each house via a rear drive or alley);
  - b. Fronting houses on streets perpendicular to collectors, facing side yards toward the collector streets;

- c. Creating landscape medians in the Collector, with shade trees to soften the impact of the street.
- d. Increased frontage to allow for circular drives.



*Figure 6-16: 'Double frontage' lots lead to privacy walls and impersonal streets.*

**6.14 SOUTHERN CORRIDOR BELTWAY**

Accelerated growth in Washington County is creating traffic congestion along major state and city routes, such as St. George Boulevard and Bluff Street, which are functioning at capacity levels (over 40,000 per day). A new airport is being planned near the Arizona border and industrial, residential and regional recreational development is rapidly expanding into this area. Based upon projected traffic demands, the existing Bloomington I-15 Interchange will function at failure service levels without the Southern Corridor beltway.

The Southern Corridor Beltway is a proposed 21 mile limited access State highway that will extend from I-15 near the Utah-Arizona border northeast to State Route 9 in Hurricane at approximately 3400 West. It is generally thought of as one phase of a future regional belt loop known as the Dixie Beltway that will serve the region. The beltway would provide an alternative link between the cities of Hurricane, Washington, St. George, Santa Clara and Ivins as well as areas of Washington County.

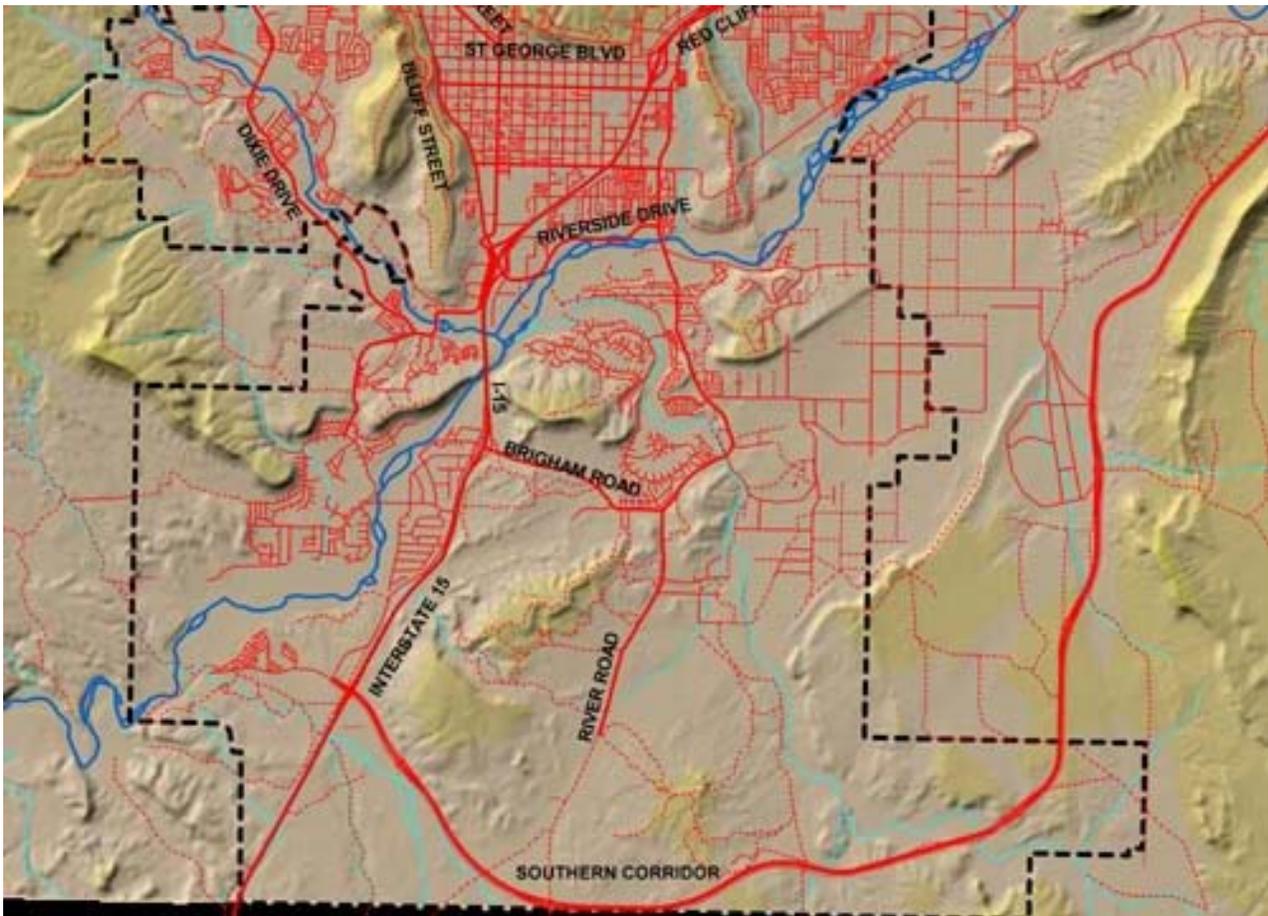


Figure 6-17: The Southern Corridor of St. George

The Southern Corridor Beltway has been in the planning process for more than 15 years. The highway is planned initially to be a two-lane facility, expandable to four lanes. This high-speed beltway is intended to provide an alternative route, with higher level of service, to meet projected traffic volumes. It has received significant public interest and support to accommodate growing traffic demands and access to the Southern quadrants of the region.

A feasibility study, completed for UDOT in 1996, supported the proposed alignment. Federal funds have also been allocated for construction of a new interchange at the west termini of the Southern Corridor on I-15 at the Atkinville Wash.

While there are many important reasons justifying the Southern Corridor Beltway (alternative to congested St. George Boulevard, access to the new

airport, and access to significant developable land in the South Block area), it also presents a significant land use challenge: how to prevent the new roadway from generating “leap frog” sprawl, with all its attendant inefficiencies and negative impacts?

History of many American cities has shown that wider, faster roads also make it easier to commute from longer distances, facilitating sprawl development with cars quickly filling up the increased roadway capacity. Salt Lake’s recent highway expansion program demonstrates how quickly new roadways can return to congestion. The Southern Corridor will make it all the more important that the City adopt, and enforce, careful policies regarding how the adjacent areas will be developed.

**6.14.1 SOUTHERN CORRIDOR  
BELTWAY LAND USE  
POLICIES**

1. The City will extend services and allow the development of land so as to bring about orderly and cost-effective development of the Southern Corridor and South Block area, with a balance between housing, employment and commercial development.

**6.15 PUBLIC TRANSIT**

Many of the unique aspects of the St. George area point to the need for increased public transit:

- As population grows and cars increase, the city’s topographic constraints limit the location of roadways (forcing increased traffic onto restricted corridors such that traffic congestion is becoming a visible problem)
- A high elderly population with reduced ability to drive automobiles.

Preliminary estimates show that the demand for transit is currently approaching 500,000 annual transit trips per year. While this number of trips is only a small fraction of total trips in the region, even at this level transit could nevertheless provide an opportunity for many residents to become or remain employed and active in the community. Nevertheless, at least for the near future, transit must be recognized as only a small part of the overall strategy for traffic congestion relief.

**6.15.1 TRANSIT OPTIONS**

The City has a small bus system. While there appears to be very strong philosophical support for increased public transit, it is not clear whether the majority of residents would be willing to support increased public transit through local taxes. An extensive transit service that would attract broad usage through frequent, convenient service over a large area is likely beyond the initial financial means of the area. Therefore, for the near-term, transit ridership in the region will continue to be comprised of “transit captive” groups (for whom

cars are too expensive) as opposed to large numbers of “choice” riders.

So it appears most cost effective to build on the existing demand and phase in higher levels of transit service gradually as demand dictates.

Today, there are a number of special care facilities that provide transit throughout the area. This “on demand” service is generally not coordinated in the sense that different agencies may provide redundant service over similar routes and many agencies struggle to provide driver, vehicles, vehicle maintenance, and related functions at a small scale.

With the population of the St. George area now qualifying as an Urbanized Area, several funding opportunities, for both operating and capital costs, will become available to help grow a more extensive transit system. Operating costs of up to \$700,000 annually (with Service Routes) could be supported by a combination of federal transit assistance, limited fare box revenue, and some level of local taxpayer support. Capital costs for the purchase of vehicles and maintenance facilities will require greater subsidies. For regional efficiency, a transit district should be formed in conjunction with the formation of a Metropolitan Planning Organization.

**6.15.2 PUBLIC TRANSIT POLICIES**

1. The City supports compact development that reduces auto-dependence, such as locating housing in the downtown and in or adjacent to other commercial areas.
2. The City shall continue to assess the need and public support for public transportation systems.
3. The Road Master Plan and Land Use Plan will be coordinated to assure that adequate rights-of-way are reserved for a transit system that will meet St. George's future needs.

## **6.16 AIRPORT LAND USE**

### **6.16.1 BACKGROUND**

The St. George Municipal Airport has been a vital part of the national system of airports, as well as an integral component of the transportation infrastructure, which serves the City of St. George, Washington County and the region. This facility also serves as the City's front door, providing visitors with an important first impression of the community. The airport provides transportation facilities that are essential to employment, economic development and tourism.

However, the existing airport's capacity is limited by its mesa-top location that allows a runway length of 6,607 feet, with no options to extend the runway in the future. Therefore, the airport cannot accommodate the rapidly growing commercial service regional jet aircraft fleet and many aircraft within the larger general aviation business jet fleet. The existing commuter airline (i.e. SkyWest Airlines) must accept periodic passenger and/or cargo payload departure penalties (ranging from four to seven passengers when temperatures exceed 100°F).

Recent forecasts indicate a potential for significant expansion in commercial passenger activity if a replacement airport is built. The number of annual passenger enplanements (those purchasing tickets for St. George) was forecast to increase from approximately 32,910 in 1998 to approximately 191,900 in 2018. Annual aircraft operations (landings and takeoffs) at the airport were forecast to increase from approximately 46,193 in 1998 to near 79,220 in 2018, while based aircraft totals are expected to increase from 120 to approximately 178 for the same period.

The St. George City Council, therefore, has made the decision to build a replacement airport at the preferred site located southeast of St. George.

### **6.16.2 EXISTING FACILITIES**

Existing airport facilities include a 10,789 sq. ft. terminal building with accommodations for commercial passenger service and car rental agencies. Federal Express opened cargo service operations in the southeast general aviation area in 1985. Dixie College has a hangar located on the west side of the airport to accommodate their aviation program.

General aviation facilities include T-hangars, fixed base operations and aprons for local and transient aircraft. A single access road to the airport, located west of St. George's central business district, connects to Bluff Street at the intersection with St. George Boulevard.

### **6.16.3 NEW AIRPORT LOCATION**

A new airport location has been selected by the City, and approved by the FAA, near the abandoned Civil Aviation runway in the southeast quadrant of the City. To protect the health, safety and welfare of property or occupants in the vicinity of the future Replacement Airport, compatible land use planning is critical. This will avoid obstruction or incompatible uses, that effectively reduce the size of the area available for landing, takeoff and maneuvering of aircraft.

### **6.16.4 REPLACEMENT AIRPORT OPERATION ZONES**

A St. George Replacement Airport Overlay Zone ("Airport Overlay Zone") has been established which is an overlay zone over the existing zoning districts shown on the official St. George City Zoning Map. A detailed land use plan is needed for this area.

The boundaries of the Airport Overlay Zone within the City of St. George are shown on the Land Use Plan. The Airport Overlay Zone includes the Airport Influence Area, the Flight Pattern Area, and the Approach Area, as follows:

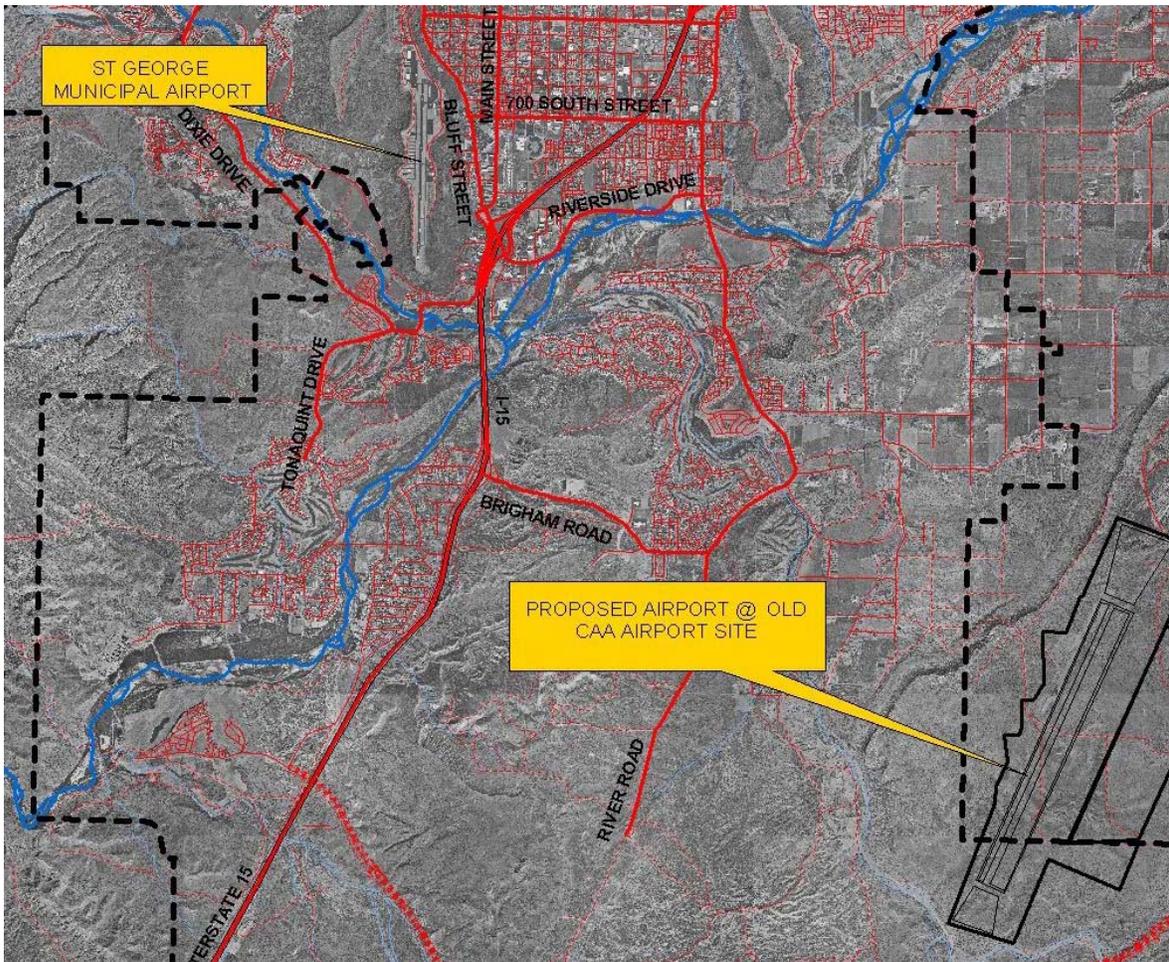


Figure 6-18: The current and new airport site and layout.

The *Airport Influence Area* is any area that is within eight thousand (8,000) feet of any proposed future runway.

<sup>4</sup>The *Flight Pattern Area* includes areas exposed to high levels of aircraft noise immediately surrounding the airport. Prohibited uses within this area include such things as residences, hospitals, libraries and other noise sensitive uses.

The *Approach Area* is that area within the direct approach to any proposed runway. It consists of rectangular-shaped areas extending 8,000 feet in

length from the ends of each runway. The Approach Area is exposed to very high levels of aircraft noise and safety hazards. Prohibited uses within this area include those of the flight pattern area plus uses involving public assembly such as theaters and convention centers.

Appropriate planning is required to minimize conflicts between land uses and airport operations, (including noise), risks to public safety, traffic congestion and incompatible land uses within the defined airport influence areas. Adequate land use planning for the land around the new airport also:

<sup>4</sup> All proposed development in the Airport Influence Area requires an airport impact assessment to be performed by the developer and approved by the City of St. George, Public Works Department, prior to development to ensure that the proposed development will be compatible with airport uses.

- Prevent hazards to navigation by restricting the height of land uses in certain areas; and
- Provide public notice that certain areas may be affected by aircraft operations.

### 6.16.5 REDEVELOPMENT PLAN FOR THE EXISTING AIRPORT

The existing airport is centrally located on a plateau within the City of St. George. The view from the plateau to the east provides an excellent panorama of downtown St. George, the Redrocks and Pine Valley Mountain Range to the north and Zion National Park on the far eastern horizon. There are approximately 250 acres that are considered developable as defined by the St. George Hillside Ordinance.

The redevelopment plan for the current airport property is shown on the Land Use Plan. It proposes a mix of land uses including:

- Residential,
  - single family residences,
  - townhomes,
  - multi-family condominiums and
  - apartments
- Commercial,
  - highway commercial
  - retail commercial
  - businesses (office and professional)
- Administrative/professional,
- Light industry and/or corporate campus uses.

This land use concept provides a balance of jobs and housing, centrally located for the potential convenience of the adjacent residents. The highway commercial and retail commercial property will generate net tax revenue for the City in the future.

The existing roadway to the airport will not be adequate as the sole access in the future. Two additional major collector roads will be required, one from the south and one from the west. With these roadways in place, the development will have convenient access from Downtown St. George, from the south interchange of Interstate I-15 and from the developing areas to the west of downtown.

St. George City presently provides a modest amount of utility service to the airport, including water, wastewater and electricity. The existing utility lines are mere extensions from various parts of those developed areas of St. George and provide service to only the north half of the airport area. These utility services will not meet the potential of the proposed residential and commercial developments.

As part of the redevelopment plan, additional transmission water lines and wastewater outfall lines will need to be extended to the top of the plateau. This will adequately loop the City's water system through the proposed development.

The existing electrical supply system to the St. George Airport will be adequate for the planned development.

### 6.16.6 AIRPORT LAND USE POLICIES

1. The City will take appropriate steps to acquire and protect the land area necessary for operation of the new airport.
2. The City will prepare a detailed land use master plan and zoning to discourage incompatible land uses from encroaching into airport operations areas and to ensure that development will not create pressure for reductions in the intensity of services nor prohibit the expansion of service at the airport.
3. The City will promote sound economic land uses in the planning and development around the replacement airport.
4. Future redevelopment of the existing airport is expected to fund the cost of improvements to support that development.

## 6.17 UTILITIES AND LAND USE

### 6.17.1 WATER

Like most western cities, St. George's future growth is closely tied to the availability of water. Due to the low annual precipitation (average 8"/year) water is St. George's most critical natural resource. For future growth in this desert setting, the central question is always, "Will we have enough water?"

The *Culinary Water Resources and Water Distribution System Master Plan* completed by the City in July 1997 identified potential water resources and water development strategies for St. George. It addressed water supply from two perspectives: demand and supply.

### 6.17.2 PROJECTED WATER DEMAND

Assuming 4% annual growth, the City population is projected to be approximately 65,800 in 2007. With some water conservation the average per capita water demand is projected to be 290 gallons per capita per day (GPCD). The 2007 total culinary water demand is projected to be approximately 26,500 acre-feet (AF)/year.

Water demand does not occur uniformly throughout the year. Summer peak water demand is 3 to 4 times greater than a typical winter peak demand, even though the winter population is significantly higher than the summer population, giving a good indication of the portion of water use for irrigation and the water-intensive landscaping practices in much of St. George.

With reasonable conservation measures in place, water consumption beyond the year 2007 is projected to be approximately 260 GPCD. In the year 2010, the study projects the City's population to be approximately 70,000 persons, with an annual water demand of approximately 31,500 AF/year.

### 6.17.3 PROJECTED WATER SUPPLY

St. George currently obtains its underground culinary (drinking) water supply from:

- spring sources located in Pine Valley, about 18 miles northeast of the City;
- wells in the Gunlock area, about nine miles northwest of the City;
- wells in the Snow Canyon area, about nine miles north of the City;
- wells (only one producing) in the Mill Creek area, about four miles north of the City;
- the City Creek well, located approximately four miles north of the City; and
- the Virgin River, through the Quail Creek Water Treatment Plant.

Water flows from these sources to 17 storage tanks at various locations in the City. Water from the spring sources in Pine Valley and the Quail Creek Source are chlorinated.

The 1997 study concludes that the City's current water *supply* is adequate for the next decade. Beyond that, sources can be acquired to meet the City's needs for more than 30 years. The City's challenge will not be the availability of water, but rather the *production and delivery* of water: drilling the wells, building new reservoirs and installing the pumping/piping systems necessary to transport the water to St. George users.

### 6.17.4 IRRIGATION

Irrigation represents a significant component of water usage, as seen in the previous figure. Furthermore, irrigation demand varies greatly among various kinds of use and management approaches: from 1.6 AF/year per acre for public institutional properties to 10 AF/yr per acre for golf course properties.

Most irrigation water serving urbanized portions of the St. George Service Area comes from the City's culinary system. Undeveloped agricultural areas and golf course acreage are served by several City wells and/or open ditch irrigation systems.

In order to conserve well water (which doesn't need treatment) and water that has been treated for culinary uses (which is expensive), the City is taking steps to implement a separate, less costly system for piping "secondary" (less than fully treated) water that can be used for irrigation.

Washington County School District is investigating alternatives for meeting their future irrigation demands. Sources being considered include existing wells, other City-owned irrigation wells along the Santa Clara River and City Creek debris basin storage.

#### 6.17.5 WATER CONSERVATION AND LAND USE

Significant water use reductions can be achieved in St. George through basic conservation measures. Experience has proven that the public can significantly reduce water consumption in emergencies (e.g. during a drought), but what is truly needed is a long-term conservation ethic. Benefits of reduced water use include:

- Avoiding, or lowering, costly water treatment plant expansions;
- reducing development costs for such things as new wells or dams;
- reduced wastewater flows
- reduced new facility construction costs;
- lower individual water bills.

In St. George City, the most significant water use reduction can come through landscaping practices more conducive with our desert climate. It is estimated that as much as 28 million gallons per day (MGD) are used for outdoor irrigation during the summer months. Two strategies for St. George are:

1. reducing the size of irrigated grass areas, and
2. increasing the use of low-water landscape materials (xeriscape).



*Figure 6-19: An example of a xeriscape landscape in St. George*

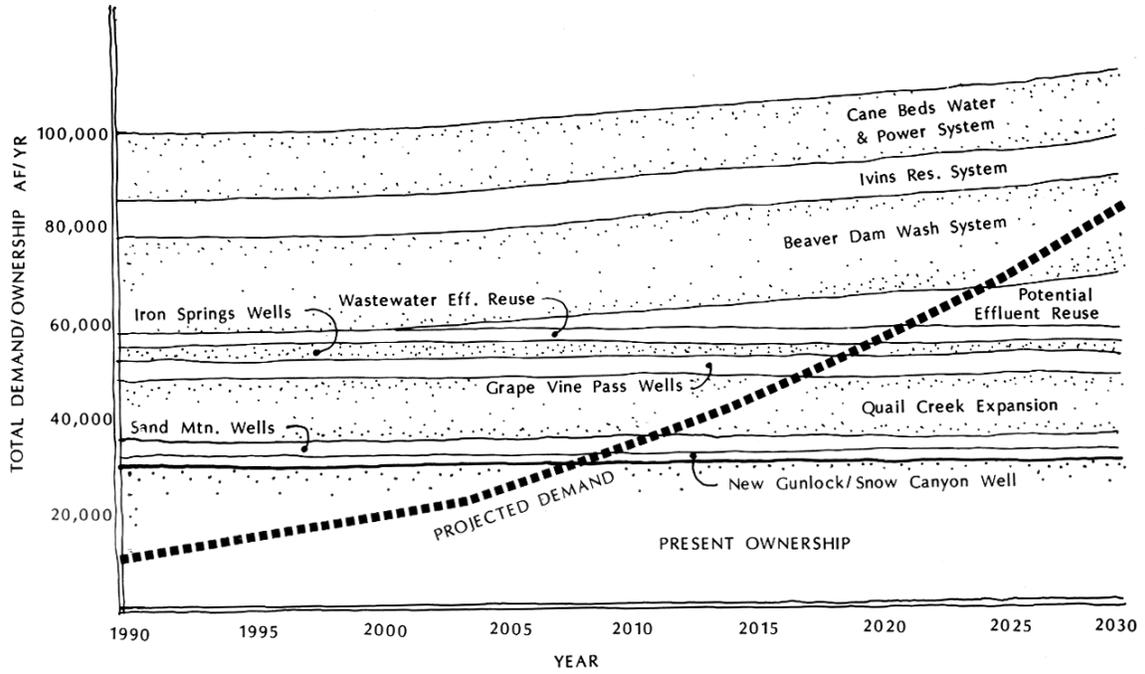


Figure 6-20: Culinary Water Projection – Demand vs. Ownership

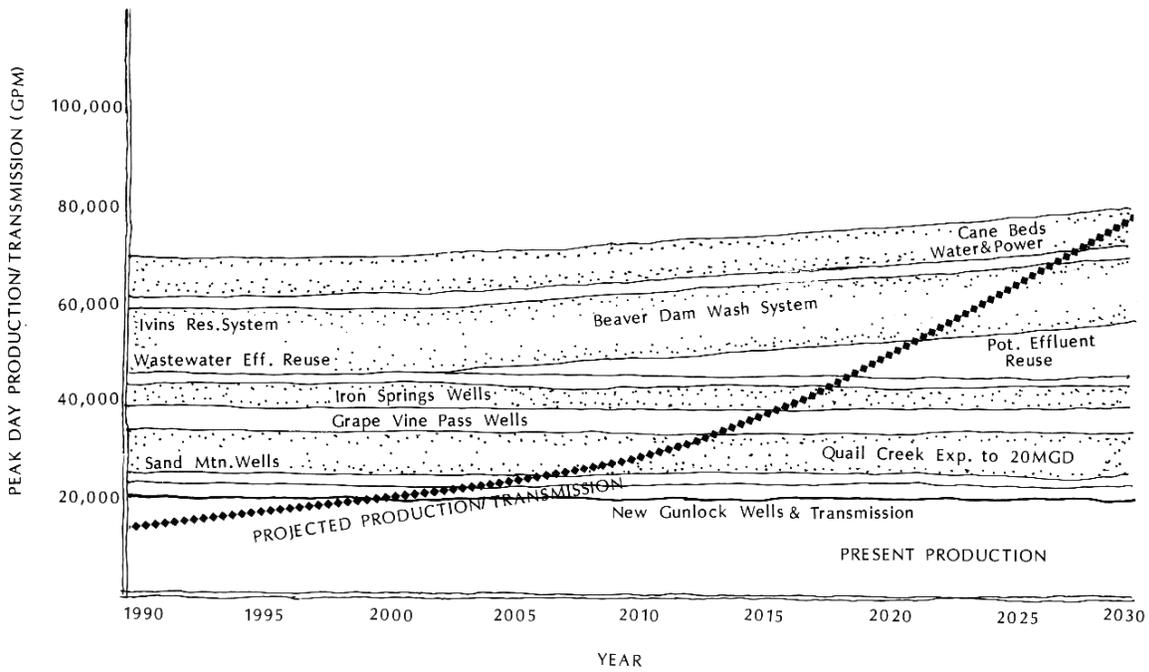


Figure 6-21: Culinary Water Projection – Supply vs. Transmission

### **6.17.6 WATER/LAND USE POLICIES**

1. The City encourages the gradual reduction of per capita consumption of water from the current level of 360 gallons per capita per day to 290 gpcd by the year 2007. After 2007 the goal is to reach 260 gpcd.
2. Users of large amounts of water for landscaping and other exterior purposes are encouraged to use “secondary” irrigation water rather than culinary water.
3. The City shall adopt water conservation measures for its own facilities, including:
  - o xeriscape landscape design reduction in the amount of turf grass areas requiring irrigation
  - o installation of water saving plumbing fixtures
  - o use of secondary water for major irrigated areas
  - o use of irrigation control systems responsive to weather conditions, that reduce water runoff.
4. Irrigation Water associated with land to be developed in the City must be offered to the City at fair market value.
5. City Water facilities shall be buffered from adjacent land uses to mitigate potential impacts to/from lights, hazardous materials, spills and vandalism.

## **6.18 WASTEWATER AND LAND USE**

The City of St. George built a 5.0 million gallon per day (MGD) oxidation ditch treatment plant in 1990. This facility, located south of Bloomington, serves the communities of St. George, Ivins, Santa Clara and Washington. In 1995, the treatment plant was expanded to 8.5 MGD. In order to respond to growth in the area, the treatment plant was again expanded to 17 MGD in the latter half of 1999. Based on current growth rates, it is projected that the treatment plant will meet the needs of the region until around 2011. All areas of

St. George are capable of being served by the public wastewater treatment plant.

### **6.18.1 WASTEWATER/LAND USE POLICIES**

1. The permitted capacity of the treatment facility shall not be exceeded. Planning and foresight will be required to assure that sewer treatment capacity does not become an limitation to development.

## **6.19 ENERGY AND LAND USE**

### **6.19.1 NATURAL GAS**

Natural gas is provided to St. George and surrounding communities by Questar, Inc. In 2000, Questar’s St. George Service Center served more than 9,000 residential, commercial and industrial customers.

Natural gas prices in St. George are very competitive with other cities of its size in the country. More than half of Questar's supply comes from its own reserves, reducing the company's gas costs.

Depending on customer usage, Questar can provide either firm or intermittent services. Prices vary according to the type of service and level of usage. Questar plans to service all areas of St. George and will extend service lines to an area when an adequate customer base exists.

### **6.19.2 ELECTRICITY**

St. George established its own electric system in 1942. The St. George electric system has a service area of approximately 45 square miles and includes approximately 380 miles of transmission and distribution lines.

St. George generates a small portion of the electric power and energy sold through its electric system and purchases the majority of its power from outside suppliers that have excess capacity.

During 1998, and 2000 the 14 MW diesel-generating facility was utilized to provide back-up for energy.

St. George City is a member of the Utah Association of Municipal Power Systems (UAMPS). UAMPS is a joint action agency providing power supply, transmission and resource scheduling operations for 35 municipal electric utilities. UAMPS members are billed according to their individual contractual obligations and hourly resource use.

*Dixie-Escalante Rural Electric Association (REA)*  
Under a non-exclusive franchise with the City that is renewable every 20 years, the REA provides electric power to all areas within the City limits south of the Virgin River. This includes Bloomington, Bloomington Hills, Little Valley and the Washington Fields area. The REA's planning and operation are independent of the City.

### **6.19.3 ENERGY/LAND USE POLICIES**

1. The City encourages land use practices, which conserve energy resources, such as compact development and solar access rights.
2. The City shall evaluate and adopt guidelines for energy conservation.
3. *Level of Service (LOS)* for all development shall permit the voltage distribution to all customers to be maintained between 90% and 110% of normal.
4. The Power Department will accept offers of land and construction funds for major improvements such as substations.
5. The city will continue to upgrade transmission capacity to meet projected demand.

## **6.20 SOLID WASTE DISPOSAL**

The Washington County Solid Waste District handles the solid waste from the City of St. George. The District includes all unincorporated Washington County and all municipalities in the county except Hilldale.

The District has contracted the operation of the landfill and residential collections services to a private firm. In 1993, approximately 26,775 tons of solid waste (4.56 lbs per person per day) was hauled to the county landfill from the City of St. George.

The current 500-acre Washington County landfill, located east of Washington City, has been in service since 1978; it is estimated enough space remains for it to be used for another 20 years.

### **6.20.1 SOLID WASTE DISPOSAL POLICIES**

1. The City supports the District's objective of reducing by up to 25% the amount of solid waste disposed in the County landfill.
2. The City will cooperate with the District's goals by implementing effective recycling measures within City departments.

## **6.21 FIRE PROTECTION AND LAND USE**

The Insurance Service Organization, a national insurance rating service, rates communities on a scale of 1 to 10 (1 = best) for fire insurance purposes. St. George holds a rating of 5 (1992).

As of January 2001, the fire department consisted of 8 full-time personnel and a reserve force of 50. As the city grows the need for more full-time staff will be needed due to increased call volume and a greater response area.

The department has 6 fire stations with an additional station being planned for the northwest area of the city. The department is also planning 6 additional fire stations throughout the city along with fire station facilities planned at the new airport.

The department has 6 front line pumper trucks, 2 reserve pumpers, one 75-ft. ladder/pumper truck, 1 service/rescue squad and 4 brush trucks along with staff vehicles. The City's street width standards for local streets include considerations for fire

equipment access. A number of communities throughout the U. S. have concluded that wide streets also encourage speeding that may contribute to accidents and add additional unneeded lifecycle maintenance costs. It will be important for the City to find a balance between the competing needs for fire safety and traffic calming and adjust street standards as appropriate.

**6.21.1 FIRE POLICIES**

1. *Level of Service.* All development in the City should be within a mile and a half service area of a manned fire station, or otherwise meet levels-of-service that comply with the International Fire Code.
2. The City will accept proffers of land and buildings from developers in order to meet the above standard.
3. The City will balance the street width standards relative to fire safety accessibility, traffic calming and maintenance costs.

**6.22 PUBLIC SCHOOLS AND LAND USE**

**6.22.1 K-12**

Public Schools in grades K-12 are provided and administered by the Washington County School District. K-12 schools impact land use planning in several ways:

- Their capacity must keep pace with the City’s school-age population. As a result, new development usually creates the need to construct additional schools. A 50% projected increase in the city population by 2020 will generate the need for a significant number of additional schools.
- Since K-12 schools require anywhere from 5 to 15 acres, their location is a significant consideration in the planning of neighborhoods. (Large new developments are usually required to designate sites for new schools.)

- If the School District acquires sites beyond the current urban edge, the City typically extends roads and utilities to these sites, which encourages development to occur in an inefficient “leap frog” fashion.



Figure 6-22: Snow Canyon High School

- All of the above suggests a concerted need for cooperative long-range planning between the City and the School District. For example, it may be possible for the City to designate in advance land for new schools, and reserve them through the subdivision process, so that the school district need not purchase and develop them in advance of actual needs. This would not only reduce the cost of schools, but also allow schools to follow development rather than lead it.

**6.22.2 PUBLIC SCHOOL LAND USE POLICIES**

1. The City shall work with the School District to plan future school facilities and to better predict road and utility needs.
2. The City shall assist the School District in identifying and reserving land for school facilities so as to reduce the need for school acquisition and construction in advance of development (avoid contributing to “leap frog” development and sprawl).
3. To reduce the costs of both schools and parks the City will explore joint development of school sites for neighborhood parks, so long as public accessibility meets the neighborhood’s needs.
4. If the School District acquires sites beyond the current urban edge, the City should extend

roads and utilities to these sites, only when other development reached those sites incrementally - so as not to encourage development to occur in a “leap frog” fashion.

### 6.2.2.3 DIXIE STATE COLLEGE

Dixie State College is a State- supported college comprised of a two-year community college and a limited number of baccalaureate programs. In addition to providing general education opportunities for more than 7,200 students, the college also offers a diverse continuing education program for the adult and retirement population of St. George.

The Institute for Continued Learning utilizes retired professors who volunteer their time to teach classes for more than 500 senior citizens each semester. The Elder Hostel program provides instruction to out-of-state senior citizens every week of the year.

Besides contributing to the academic needs of the community, Dixie State College provides music and theater programs, the Dixie State College Celebrity Concert Series and the Southwest Symphony Orchestra season.

It is anticipated that Allied Health programs will be a major focus in Dixie's near future. These programs are intended to complement employment and health care needs for southern Utah.

The student population at Dixie College is expected to grow to about 8,170 students (4,810 full-time equivalents) by 2006, and to 14,430 (7,610 FTE) by 2021, approximately double the current enrollment. More student housing will be needed to accommodate the proposed future growth of the College.

The College provides only one on-campus dormitory and the majority of students are housed off-campus. Nor does the College plan to provide additional dormitory facilities in the future, instead leaving the provision of housing to the private rental market. Many rental apartment units are



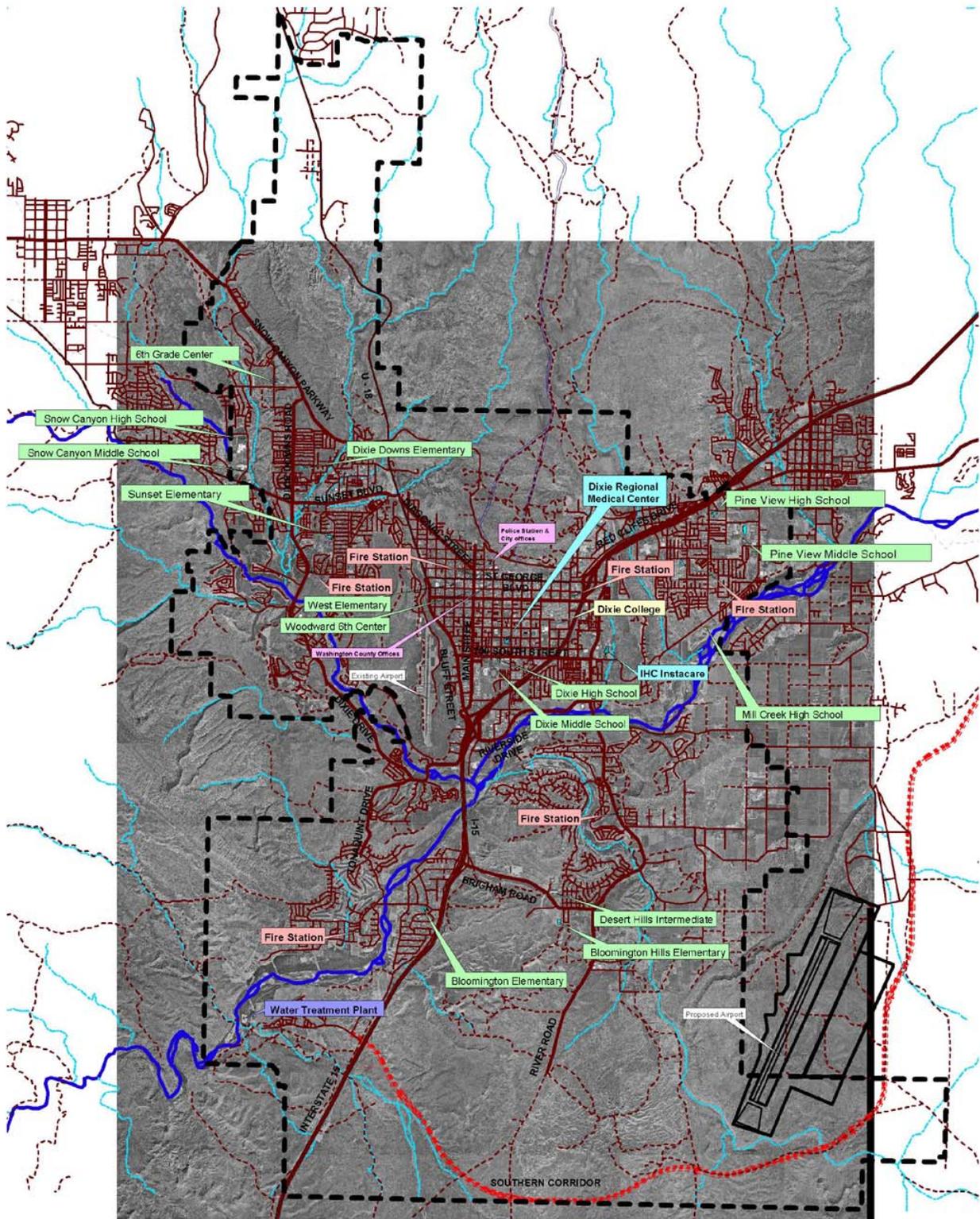
Figure 6-23: Aerial view of Dixie State College.

located directly east of the College on both sides of highway I-15 in areas designated, and zoned, for high-density residential use.

Because student apartments tend to generate high parking and traffic impacts, there is a strong community desire not to allow student apartments west of the campus where they will impact stable residential neighborhoods. Since highway I-15 cuts off convenient access to the east, the only areas left to accommodate the doubling of the College enrollment by 2021 are the commercial areas north and south of the campus and eastward on 100 and 700 south. This suggests that rather than the typical apartment complexes, accommodations for students should be integrated into mixed-use commercial areas, such as with apartments over stores and offices.

### 6.2.2.4 COLLEGE LAND USE POLICIES

1. The City shall work closely with the College to assure that future student housing needs are met as cost-effectively as possible, and to minimize impacts on surrounding stable residential neighborhoods. This will require detailed planning involving the City, the College, and surrounding land owners.
2. The City will seek land use regulations that will allow affordable rental housing to be accommodated seamlessly and attractively into other land use zones in the vicinity of the College.



# PUBLIC FACILITIES



## 6.23 HEALTH CARE

Dixie Regional Medical Center (DRMC) is a full-service, regional hospital with physicians representing nearly every specialty. It is a 137-bed facility comprising 180,000 sq.ft. It offers:

- ❑ medical/surgical inpatient services,
- ❑ outpatient surgical services,
- ❑ cancer treatment,
- ❑ women and children's services
- ❑ cardiology services including heart catheterization,
- ❑ a full range of diagnostic imaging, emergency services,
- ❑ an air ambulance and
- ❑ other diagnostic and therapeutic services.

Dixie Regional Medical Center currently has a medical staff of 132 full-time physicians and 25 part-time physicians representing specialties not available elsewhere in the area. DRMC has been able to meet 86% of Washington County residents' medical needs without referring to another facility. The only counties in Utah with a lower percentage of out-of-country referrals are Salt Lake and Utah counties due to the large tertiary centers located there. To provide the health care services that the growing population will require, DRMC purchased 60 acres of ground for a medical campus at the corner of 700 South and River Road. In 1998, DRMC opened an outpatient health center on this property. It houses a primary care clinic, a diagnostic imaging center, an InstaCare, physical therapy and an occupational health and injury center and a retail pharmacy. Due to the population growth and relative isolation of St. George, DRMC is planning to expand inpatient services on its River Road site. A building of approximately 300,000 sq.ft. housing 132 inpatient beds, 12 outpatient beds, and 8 operating rooms will be constructed by 2003. Once the River Road facility is completed, the current campus will be renovated as a specialty hospital, including a center for women, children and newborn intensive care.

As the Medical Center continues to grow, so will the number of people associated directly and indirectly with it. Currently, DRMC employs 1,100 people. By 2003, it is estimated that DRMC will have 1,500 employees. Physicians associated with DRMC employ approximately 500 additional people.

As Washington County continues to grow, DRMC sees the need for de-centralized medical clinics spread throughout the communities of Washington County.

The City has already worked closely with the Medical Center in the planning of the new campus. It will be important that this collaboration continue to assure that the Medical Center is surrounded by compatible uses, adequate access and that the potential for expansion is not precluded.

### 6.23.1 HEALTH CARE POLICIES

1. Health care facilities shall be buffered from adjacent land uses to mitigate potential impacts to/from noise and lights (traffic, emergency vehicles, helicopters, etc.).
2. Health care facilities that will utilize emergency vehicles shall be located so as to have access to arterial roads without passing through neighborhoods.

# 9 IMPLEMENTATION

In order for the General Plan to be valuable, it must result in action. The process of carrying out the policies and proposals included in the Plan requires a long-term commitment by the community and particularly its elected officials. A plan that is a benefit to the community does not happen by the mere adoption of a plan. The Plan must be implemented.

## 9.1 A VARIETY OF IMPLEMENTATION TOOLS

There are a variety of tools available to the City to achieve the vision of the General Plan. These include:

### 9.1.1 ZONING ORDINANCE

Zoning consists of a zoning map and an associated ordinance that define appropriate locations, allowed uses, and restrictions for each zoning category. Where the General Plan illustrates an overall general desire, zoning has the force of law.

The uses identified in the General Plan are implemented by zoning the property accordingly. Since General Plan designations do not follow property lines, and zoning does, the translation from the General Plan designation to zoning is not always direct. For example, the General Plan may have one designation for a hillside and another for an adjacent flat area. If both areas — the hillside and the flat land — are within a single parcel of land; the zoning may have to be an average of the two designations. In interpreting zoning, the Planning Commission and City Council need to also refer to the General Plan designation. Thus, while a parcel may be zoned for a very low density, the General Plan may suggest a dense clustering of homes on a smaller portion of the property, and keeping a portion of the property (hillside e.g.) free from development.

As a result, both zoning and General Plan designations must be considered together.

### 9.1.2 SUBDIVISION ORDINANCE

The Subdivision Ordinance specifies the process by which a parcel of land is subdivided into smaller parcels. It also contains standards for site development, such as roads, sidewalks, drainage, utilities, lighting and even park dedication requirements. The subdivision site design standards help the Planning Commission and City Council determine whether the location proposed for the buildings, roads, utilities, etc. are appropriate and safe. Many of the objectives of the General Plan can be implemented through the design standards in the Subdivision Ordinance.

Other implementation tools available to the City include:

- Special Use Conditions
- Overlay Zones
- Historic District designation
- Main Street Assistance Grants
- Urban Renewal and Redevelopment
- Design Guidelines
- Capital Improvements Programming

## 9.2 GENERAL STEPS TO IMPLEMENT THE GENERAL PLAN

There are several general actions that should be taken to implement the plan:

- A. Formal adoption of the General Plan Update by the Planning Commission and City Council, including adoption of the policies' contained in the Plan.
- B. Since the Zoning and Subdivision regulations

are the primary tools to carry out the General Plan, they should be revised as necessary to be consistent with the General Plan.

- C. The general public should be involved in and made aware of the updates of the General Plan, its policies and the Zoning and Subdivision ordinances through a variety of on-going efforts including public hearings, but also through outreach efforts such as presentations to civic clubs, school groups and other organizations as well as articles in the newspaper and other local publications.

### **9.3 SPECIFIC ACTIONS TO IMPLEMENT THE POLICIES OF THE GENERAL PLAN**

<b>POLICIES:</b>	<b>ACTIONS:</b> <small>(BY COMMUNITY DEVELOPMENT UNLESS OTHERWISE NOTED)</small>
<b>1 GENERAL PLAN</b>	
<p>1.1 All land use decisions, including the development of streets, parks and utilities and the provision of public services shall be consistent with the General Plan, including maps, goals and policies.</p> <p>1.2 The General Plan shall be reviewed and updated at least every five years.</p>	<p>A1.1 Prepare and present a "consistency" resolution to City Council, that shall include the following considerations:</p> <ul style="list-style-type: none"> <li>a. All land use decisions to be consistent with the General Plan.</li> <li>b. For a proposed land use action (zoning, subdivision, building permit) not consistent with the General Plan, the General Plan will be amended before the land use action is approved.</li> </ul> <p>A1.2 Community Development staff will Revise the zoning ordinance to:</p> <ul style="list-style-type: none"> <li>a. Adjust densities and uses in all residential zones to be consistent with those of the General Plan.</li> <li>b. Apply the Open Space zone category only to properties for which a binding commitment to open space is in place.</li> <li>c. Require the application for any land use decision to demonstrate consistency with the General Plan.</li> </ul>



## 4 PUBLIC LANDS

- 4.1 The General Plan should include land use designations for public lands within the City to guide future development, disposal or exchange.
- 4.2 The City shall rezone public lands within its jurisdiction consistent with the Land Use element of the General Plan.
- 4.3 Lands within the City under the jurisdiction of the Utah School and Institutional Trust Lands Administration (SITLA) and the U.S. Bureau of Land Management (BLM) should be carefully reviewed for development impacts by the City when an exchange or sale of such land is considered.

- A4.1 Continue to work with Utah School and Institutional Trust Lands Administration (SITLA) to refine the master plan, (and General Plan designations), for the South Block/Price City Hills area. Specifically address:
- *Self-sufficiency*-- assure that the areadoes not become a bedroom community with extensive commuting impacts on regional roads;
  - *Livability*—assure the resulting community is pedestrian-friendly, and contains a mix of uses and income levels;
  - *Fiscal impacts*—assure that the future development is phased so as to complement, not degrade, the economic vitality of the rest of the city.

## 5 HILLSIDE AND GEOLOGIC HAZARDS

- 5.1 Where hillsides are in private ownership and development rights exist, the City will reduce the impact of development on steep hillsides through measures such as low-density zoning, clustering or transfer of development rights.
- 5.2 Public safety must be preserved by assuring that stability is properly maintained on any development of hillsides and/or slopes and that problem soils are properly mitigated.
- 5.3 The aesthetic qualities of the hillsides shall be preserved by minimizing the amount of hillside excavation and requiring that where hillside excavation occurs, cuts are fully reclaimed to a natural appearance through regarding and landscaping, or screening from general view by buildings.
- 5.4 The Hillside Review Board will review and recommend measures to mitigate potential

- A5.1 Prepare a zoning map amendment to reduce overall densities on hillsides. The zoning map amendments will indicate the areas intended to be preserved (‘sending’ portions) and the areas intended to ‘receive’ the clustered density.
- A5.2 Prepare ordinance requiring that all proposed subdivisions and major construction projects shall include a geologic/soils report addressing site conditions.
- A5.3 Research and formulate an ordinance (such as transfer of density or development rights) to encourage clustering homes on the portion of properties not on steep hillsides.
- A5.4 The City will coordinate efforts with property owners to reclaim existing highly visible scars on the West Black Hill near the airport.

concerns and issues related to aesthetics, slope and/or soil stability.

- 5.5 Geologic Hazard maps will be maintained by the City to give notice of potential development problems due to known expansive and collapsible soils, and other hazards such as unstable ground due to landslides or similar problems.
- 5.6 As a part of the review of development proposals, the City will carefully evaluate potential impacts of irrigation (lawns, golf courses, etc.) that might be applied to mesa tops above the hillsides.
- 5.7 Buildings on mesa tops shall be set back to avoid hazardous geologic conditions as well as lessen visual impacts — a minimum 100' setback is recommended. Where appropriate, density incentives may be used to implement this policy.

A5.5 Update the 1993 Geologic Hazard maps to include annexation areas.

- A5.6 Prepare and submit an amendment to the Hillside Ordinance to require that development proposals for mesa tops include an analysis of irrigation impacts on mesa tops related to slope stability.
- A5.7 Prepare a plan to repair the scar in the escarpment below the airport on the West Black Hill.

## **6 FLOODPLAINS**

- 6.1 The City recognizes the need to minimize losses, both public and private, from flooding and erosion and the natural and fiscal benefits of preserving natural floodplains to convey floodwaters.
- 6.2 The City's policy is to discourage any development within the 100-year floodplain. Exceptions can be made for uses compatible with periodic flooding such as trail systems, golf courses and other public or private uses that will permit the free passage of flood waters.
- 6.3 The City will enforce its adopted floodplain regulations and encourage property owners to comply with other state and federal floodplain regulations.
- 6.4 To accomplish the above, the City will provide zoning incentives to transfer

- A6.1 Amend the zoning and subdivision ordinances to restrict development within 100-year floodplain and to increase flood control requirements.
- A6.2 Prepare an amendment to the subdivision standards requiring protection of floodplains and dry washes to natural condition.
- A6.3 Implement the community-wide comprehensive drainage improvement plan.
- A6.4 Prepare a zoning map amendment that reduces overall densities in floodplains. In the zoning map amendment indicate the areas intended to receive the density transferred from the floodplain.
- A6.5 Prepare an ordinance that encourages clustering of homes on the portion of properties not in floodplains

<p>residential development to land outside of the 100-year floodplain.</p> <p>6.5 The City encourages the preservation of natural washes, streams and rivers, and discourages the channelization of natural drainage ways.</p> <p>6.6 In the layout and design of new developments, adequate access to floodplains and erosion protection should be provided. It is preferred that streets be positioned between floodplains and structures. Where not possible or feasible, additional structural setbacks should be required.</p>	
---	--

**7 DRY WASHES**

<p>7.1 Washes shall be preserved in their natural state, with the exception that tamarisk removal is permitted and encouraged where drainage is impeded.</p>	<p>A7.1 Amend the subdivision ordinance to require protection of dry washes and restoration to natural condition.</p>
--	---

**8 WETLAND**

<p>8.1 Land use proposals that could have adverse impacts on significant wetlands shall be modified to eliminate or adequately mitigate such adverse impacts.</p> <p>8.2 The City will work with the Corps of Engineers to prevent wetland encroachment by public or private projects.</p>	<p>A8.1 Amend the subdivision standards to include protection of wetlands.</p> <p>A8.2 Work with the Army Corps of Engineers to obtain an Advanced Wetland Identification study for the St. George area.</p>
--	--

## **9 ENDANGERED SPECIES**

- 9.1 The City will support and assist in the implementation of the Habitat Conservation Plan for the Desert Tortoise as well as other threatened or endangered species in the local area.
- 9.2 Land use proposals that could have adverse impacts on critical wildlife or plant habitats shall be modified to eliminate or adequately mitigate such adverse impacts.
- 9.3 The City will support regional efforts to prevent the destruction of critical habitats in order to avoid the listing of threatened species.

A9.1 Amend the subdivision ordinance to require developments to comply with provisions of the Habitat Conservation Plan.

## **10 AIR QUALITY AND LAND USE**

- 10.1 The City will promote the protection of air quality, including the reduction of particulates, through measures such as:
- a. transit, car pooling or other measures to reduce car emissions;
  - b. discouraging air-polluting industries from locating in St. George.
- 10.2 To reduce man-induced dust, grading shall be minimized and areas that are disturbed shall be re-vegetated within the same season.

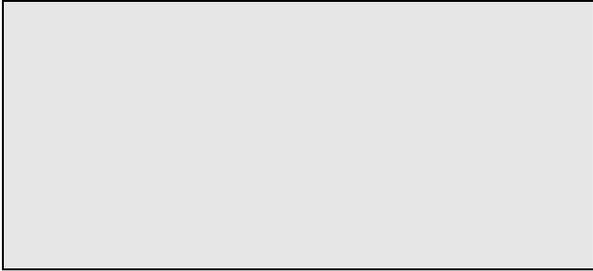
- A10.1 Assist the State Division of Air Quality to monitor and protect air quality in the St. George area.
- A10.2 Convene developer/citizen task force to review and make recommendations to City Council regarding grading standards and limitation on construction disturbance each year to the amount that can be re-vegetated in the same season.

## **11 GENERAL LAND USE**

- 11.1 All zoning and other land use decisions shall be consistent with the General Plan.
- 11.2 Urban development should generally be located within or adjacent to existing urban areas in order to eliminate sprawl and strip development, maximize the cost-effectiveness of public facilities and services, and preserve agricultural and open space land uses.

- A11.1 See A1.1.
- A11.2 Amend the subdivision ordinance to require "adequate public facilities" must be present concurrent with development.

- 11.3 Growth should pay its own way; i.e. the costs for new public infrastructure should be paid by development.
- 11.4 New development shall demonstrate that adequate public facilities are available to serve its needs.



**12 RESIDENTIAL LAND USES**

- 12.1 The City will zone land consistent with the designation of these density ranges on the Land Use map. Property owners and developers should not assume an entitlement to the higher range of densities when assigning zoning. In determining the appropriate density (within the range shown on the Land Use Plan) the Planning Commission and City Council will take into account *how and where* density is proposed to be placed on the property (.i.e. design and location of buildings) as well as compatibility with adjacent land uses.
- 12.2 The City supports efforts to preserve and enhance the quality of life in downtown neighborhoods.

- A12.1 Prepare a zoning amendment to reduce overall densities on hillsides and floodplains.

**13 AFFORDABLE HOUSING LAND USES**

- 13.1 The City encourages diversity in housing types and cost ranges, including those that will permit persons of low and moderate incomes to locate in St. George.
- 13.2 The City will continue to use available federal and state housing programs to assist in the production of affordable housing for low and moderate-income households.
- 13.3 The City will work with the SGHA and other affordable housing agencies to carefully document and monitor the availability of affordable housing in St. George.

- A13.1 Commission a detailed study to recommend strategies to develop and maintain affordable housing in St. George. Include consideration of regional supply and demand for affordable housing.
- A13.2 Annually monitor the supply and price of affordable housing in St. George.

13.4 The City will continue to provide locations for higher density (affordable) housing, preferably scattered throughout the community and within each development area, avoiding ‘enclaves’ of affordable housing.



## 14 COMMERCIAL LAND USES

- 14.1 Convenience commercial centers should be encouraged at appropriate locations in residential areas to increase convenience and reduce the need for cross-town travel. Small commercial buildings may be considered on a case-by-case basis if the use and building are compatible with the neighborhood.
- 14.2 Along collector streets, strip commercial development (stores separated from the street by parking lots) should be avoided. The City will encourage commercial development in clusters or mixed-use centers to minimize the proliferation of strip development.
- 14.3 Commercial and business development along I-15 should have a pleasing appearance from the freeway. Highway facades should have finish materials similar to building fronts and attractive landscaping.
- 14.4 Major employment centers and other large traffic generators should locate near major collector or arterial roads.
- 14.5 Commercial areas in new development are encouraged to incorporate a mix of uses, including residential and office, in traditional (‘new urban’) development patterns.

- A14.1 Expand the Community Design Manual to provide illustrative examples of good commercial design that implement the objectives of this section, including:
- Detailed guidelines for small-scale commercial/office uses inserted into residential areas where the following characteristics exist:
    - isolated parcels
    - at major intersections
    - less than commercial center size
    - in scale with surrounding residential area
    - appropriately buffered
  - Commercial site planning standards that promote cluster development and mixed uses in a traditional urban pattern.

## 15 BUSINESS LAND USES

15.1 The city shall encourage and help attract business development that will provide higher-than-prevailing wage rates.

A15.1 Coordinate with the County Economic Development Council in the recruitment of targeted industry.

A15.2 Evaluate the need/potential for, and availability of, land near the health care centers for symbiotic business growth.

A15.3 In conjunction with downtown revitalization planning, propose actions that will reinforce the downtown as a vibrant, attractive center for business.

## 16 LIGHT INDUSTRIAL POLICIES

16.1 Industrial development should not be located in areas, which would diminish the desirability of existing and planned non-industrial areas. That is, they should be separated from residential uses by either a natural, physical buffer or a buffer of land uses that make a gradual transition from one type to the next.

A16.1 Coordinate with the SITLA and private developers to help bring about a well-planned and attractive industrial area south of St. George (South Block/Airport area).

16.2 Industrial development requiring large outdoor storage yards or outdoor work areas shall be visually buffered from major collector or arterial roads and residential areas.

A16.2 Amend the zoning ordinance to require increased setbacks where industrial uses are adjacent to residential uses.

## 17 AGRICULTURAL LAND USES

17.1 Productive agricultural land is a limited resource of both environmental and economic value and should be conserved and preserved. Preservation and enhancement of a rural lifestyle is an important component of the cultural, social and aesthetic well-being of the region.

A17.1 Coordinate with the City of Washington regarding policies/land use for the Washington Fields area.

17.2 The City encourages land use/ development approaches that preserve areas of agriculturally productive land.

A17.2 Analyze the available mechanisms (land use regulations, condition of annexation, incentives, etc.) to discourage separating agricultural water rights from farmland prior to either preservation or urban development. Recommend strategy to City council.

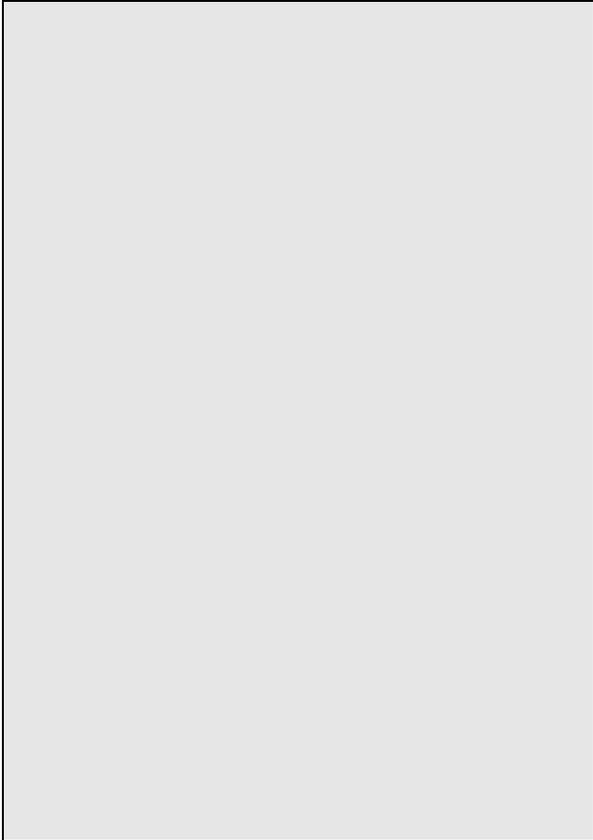
<p>17.3 Agricultural uses shall be encouraged in the Little Valley and Washington Fields areas. Urban types of development (with curbs, gutters, sidewalks and lots less than 40,000 sq. ft.) shall be discouraged in these areas.</p> <p>17.4 The City shall discourage the conversion of agricultural water to urban uses except where the proposed use would not adversely affect productive agricultural land and is otherwise consistent with the City General Plan.</p>	<p>A17.3 Explore and adopt appropriate measures to encourage the preservation/conservation of agricultural land. Such measures might include:</p> <ul style="list-style-type: none"> <li>a. large lot zoning</li> <li>b. clustering of density</li> <li>c. conservation easements</li> <li>d. transfer of development rights</li> </ul>
---	---

**18 PARKS AND RECREATION LAND USES**

<p>18.1 The City will update the Parks and Recreation Master Plan and use it as a guide for locating and prioritizing park development and land acquisition for parks.</p> <p>18.2 <i>Level of Service.</i> The City shall maintain the current level of service for developed neighborhood parks of 5.4 park acres per 1,000 residents.</p> <p>18.3 The City shall strive to raise the total developed park land level of service (including neighborhood and community parks) to 6 acres per 1,000 residents.</p> <p>18.4 The City shall adopt standards for other recreation amenities (swimming pools, tennis courts, etc.) as set forth in the Parks Master Plan, and implement them through general funds, grants, impact fees, and a general bond obligation.</p> <p>18.5 The City will create a linear park (or greenbelt) system to connect neighborhoods to parks, open spaces and other community facilities.</p> <p>18.6 The cost of community or other special use parks and their amenities shall be equitably shared by all residents.</p>	<p>A18.1. Update the Parks Master Plan every 5 years to include the LOS standards adopted by policy 18.2, etc. (Leisure Services Department).</p>
---	---



- 20.3 The City will implement elements of the Bikeway Master Plan as funding is available.
- 20.4 The City will connect on-street bike lanes to the bikeway system.
- 20.5 Bike/recreation paths will be included, in all greenway corridors wherever physically and environmentally possible.
- 20.6 Bike/recreation paths should take advantage of street and utility rights-of-way when available. The City will work with other land agencies such as irrigation companies, utility providers, the County and State, to obtain access for trails.
- 20.7 The City shall aggressively pursue alternative funding sources (private, County, State, Federal) for implementation of the Bikeway Master Plan.

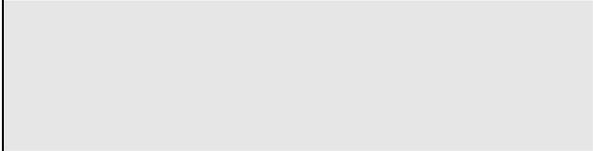


**21 ROADWAYS AND LAND USE**

- 21.1 The City will encourage traffic *demand management* strategies to reduce traffic congestion and air pollution, and increase energy conservation.
- 21.2 New developments will be required to improve intersections on collector and arterial road intersections to maintain not less than Level-of-Service “D” (including less than 40 seconds average wait at an intersection) during peak hours.
- 21.3 Traffic analysis for development approval shall be based upon a traffic study in accordance with traffic engineering principles accepted by the City.
- 21.4 Developments may be required to mitigate off-site impacts caused by development. (i.e., intersection and lane improvements)

- A21.1 City staff will propose amendments to subdivision regulations to require large developments to prepare traffic studies as part of the development submittal requirement.
- A21.2 Charge the MPO to develop strategies to encourage residents to use alternative modes of local and regional transportation. Review and update the Transportation Improvement Plan (TIP).
- A21.3 Amend the subdivision ordinances to require development applications for large projects to submit traffic studies of potential impacts to roadway levels-of-service as conditions of subdivision approval.

21.5 Limit the use of private streets where public circulation and connectivity will be impaired.



## 22 STREET PATTERNS

22.1 The City’s overall objective is to provide access to land development while simultaneously preserving the flow of traffic on the surrounding road system. The City will strive to meet this objective through the following policies, which based upon examples of subdivision design that can be found in St. George.

22.2 The City will avoid cul-de-sacs unless required by physical constraints of the land (steep slopes). Rather, local streets will generally be arranged in a ‘modified’ grid to provide multiple routes through a neighborhood, and through the city, thereby diffusing traffic.

22.2 The City will avoid double frontage lots that result in rear, walled yards facing a public street. As an alternative to walled streets, the City strongly encourages (prefers) to avoid the necessity for sound walls by modifying the subdivision design to create a traditional parkway or “boulevard” condition, similar to those found in older St. George by one or more of the following:

- a. Increasing the setback from the Collector, allowing houses to front on the Collector (with driveway access to each house via a rear drive or alley);
- b. Fronting houses on streets perpendicular to collectors, facing side yards toward the collector streets;
- c. Creating landscape medians in the Collector, with shade trees to soften the impact of the street.
- d. Increased frontage to allow for circular drives.

A22.1 Incorporate street pattern policies into the Subdivision standards and related guidelines from the Community Design Manual.

A22.2 Reduce the use of private streets in order to enhance circulation and connectivity through blocks of land.

A22.3 Discourage (or prohibit) the development of gated communities, which negatively impact area circulation and connectivity. Gated communities also isolate themselves from the larger community.

## **23 SOUTHERN CORRIDOR BELTWAY LAND USE**

23.1 The City will extend services and allow the development of land so as to bring about orderly and cost-effective development of the Southern Corridor and South Block area, with a balance between housing, employment and commercial development.

A23.1 Prepare or participate in the preparation of a detailed master plan for the South Block and Southern Corridor

A23.2 Form a Task Force to formulate a phasing plan—for the extension of infrastructure.

## **24 PUBLIC TRANSIT**

24.1 The City supports compact development that reduces auto-dependence, such as locating housing in the downtown and in or adjacent to other commercial areas.

24.2 The City shall continue to assess the need and public support for public transportation systems.

24.3 The Road Master Plan and Land Use Plan will be coordinated to assure that adequate rights-of-way are reserved for a transit system that will meet future needs.

A24.1 Charge the MPO to develop strategies that will encourage residents to use public transit.

A24.2 Create incentives to encourage compact development.

## **25 AIRPORT LAND USE**

25.1 The City will take appropriate steps to acquire and protect the land area necessary for operation of the new airport.

25.2 The City will prepare a detailed land use master plan and zoning to discourage incompatible land uses from encroaching into airport operations areas and to ensure that development will not create pressure for reductions in the intensity of services nor prohibit the expansion of service at the airport.

25.3 The City will promote sound economic land uses in the planning and development of the replacement airport and economic development around the replacement airport.

A25.1 Develop an Airport Development Finance Plan and work with the FAA on the financing and development of the new airport.

A25.2 Zone land around the new airport site in conformance with the General Plan and/or an approved airport master plan.

A25.3 Prepare a detailed master plan for re-use of the existing airport property.



## 27 WASTEWATER AND LAND USE

27.1 The permitted capacity of the treatment facility shall not be exceeded. Planning and foresight will be required to assure that sewer treatment capacity does not become an limitation to development.

A27.1 Amend the subdivision regulations to include adequate wastewater level-of-service as a condition of approval.

A27.2 Create an annual report to the Council on the City's wastewater treatment capacity relative to projected growth. (Public Works)

## 28 ENERGY CONSERVATION AND LAND USE

28.1 The City encourages land use practices that conserve energy resources, such as compact development and solar access rights.

28.2 The City shall evaluate and adopt guidelines for energy conservation.

28.3 *Level of Service* (LOS) for all development shall permit the voltage distribution to all customers to be maintained between 90% and 110% of normal.

28.4 The Power Department will accept offers of land and construction funds for major improvements such as substations.

28.5 The city will continue to upgrade transmission capacity to meet projected demand.

A28.1 Evaluate and recommend guidelines for energy conservation including considerations such as shade trees, roof, overhands, building insulation, etc. (Community Development, City Power)

A28.2 Make an annual report to the Council on the City's energy production, transmission and distribution capacities relative to projected growth. (City Power)

A28.3 Amend the subdivision ordinance to include adequate electrical service as a condition of approval.

## 29 SOLID WASTE DISPOSAL AND LAND USE

29.1 The City supports the District's objective of reducing by up to 25% the amount of solid waste disposed in the County landfill.

29.2 The City will cooperate with the District's goals by implementing effective recycling measures within City departments.

A29.1 Request the District to annually report on:

- Reduction in waste deposits,
- Potential methods to reduce solid waste (what other communities are doing successfully)
- Effective actions appropriate for St. George.

### **30 FIRE AND LAND USE**

- 30.1 *Level of Service.* All development in the City should be within a mile and a half service area of a manned fire station, or otherwise meet levels-of-service that comply with the International Fire Code.
- 30.2 The City will accept proffers of land and buildings from developers in order to meet the above standard.
- 30.3 The City will balance the street width standards relative to fire safety accessibility, traffic calming and maintenance costs.

A30.1 Review the adequacy of impact fees to assure the adequacy of fire protection for new development.

### **31 SCHOOL LAND USE**

- 31.1 The City shall work with the School District to plan future school facilities and to better predict road and utility needs.
- 31.2 The City shall assist the School District in identifying and reserving land for school facilities so as to reduce the need for school acquisition and construction in advance of development (avoid contributing to “leap frog” development and sprawl).
- 31.3 To reduce the costs of both schools and parks the City will explore joint development of school sites for neighborhood parks, as public accessibility meets the neighborhood's needs.
- 31.4 If the School District acquires sites beyond the current urban edge, the City should not extend existing roads and utilities to these sites, until other development is appropriate so as not to encourage development to occur in a “leap frog” fashion.

- A31.1. Meet bi-annually with School District to review growth projections and school capacities.
- A31.2 Include general locations of needed future school sites in future updates of the General Plan to provide guidance for both staff and developers in planning for growth and development.
- A31.3 Include consideration of school/parks in the Parks Master Plan.
- A31.4 Coordinate school site planning to avoid negative impacts on the roadway system, including minimizing or avoiding the need for school crossings on major collector and arterial roads.

### **32 COLLEGE LAND USES**

32.1 The City shall work closely with the College to assure that future student housing needs are met as cost-effectively as possible, and to minimize impacts on surrounding stable residential neighborhoods. This will require detailed planning involving the City, the College, and surrounding land owners.

32.2 The City will seek land use regulations that will allow affordable rental housing to be accommodated seamlessly and attractively into other land use zones in the vicinity of the College.

A32.1 Collaborate with College on detailed study of future student housing needs and means to accomplish them. Include residents of surrounding area as well as residents and merchants at large. Coordinate with Affordable Housing efforts. Considerations might include:

- Changes to zoning regulations that would allow small multi-unit buildings in residential zones that have single-family dwelling appearance.
- Parking placement and design to reduce impact on residences.

### **33 HEALTH CARE POLICIES**

33.1 Health care facilities shall be buffered from adjacent land uses to mitigate potential impacts to/from noise and lights (traffic, emergency vehicles, helicopters, etc.).

33.2 Health care facilities that will utilize emergency vehicles shall be located so as to have access to arterial roads without passing through neighborhoods.

### **34 DOWNTOWN LAND USES**

34.1 The City strongly supports preserving St. George's downtown as the primary business and government center for St. George.

34.2 Achieving and maintaining a healthy, vibrant downtown will require both public and private efforts. The City will support downtown merchants and property owners in this effort, and will participate where appropriate.

A34.1 Prepare a detailed Urban Design Plan for the Downtown (Redevelopment Area) to provide a coordinated vision for public and private development. Elements of the downtown Urban Design Plan should include:

- Historical preservation
- parking standards – on and off-street
- infill development opportunities
- streetscape images
- pedestrian-friendly design
- signage/lighting



- residential /commercial/office mixed-use
- building heights/ massing
- incentives
- traffic circulation options (medians, one-way loops, etc.)

**35 COMMUNITY APPEARANCE POLICIES**

35.1 The City will continue to improve the appearance of the community through landscaping, signage improvements, lighting, street tree planting, street furnishings, etc.

35.2 The Community Design Guidelines Manual will be used to promote good design throughout the community.

A35.1 Use the Community Design Manual in reviewing development proposals.

**Brief of St. George City**

**Exhibit 5 – U.S. Census Data**



State &amp; County QuickFacts

**St. George (city), Utah**

<b>People QuickFacts</b>	<b>St. George</b>	<b>Utah</b>
Population, 2013 estimate	76,817	2,900,872
Population, 2012 estimate	75,335	2,854,871
Population, 2010 (April 1) estimates base	72,761	2,763,885
Population, percent change, April 1, 2010 to July 1, 2013	5.6%	5.0%
Population, percent change, April 1, 2010 to July 1, 2012	3.5%	3.3%
Population, 2010	72,897	2,763,885
Persons under 5 years, percent, 2010	8.7%	9.5%
Persons under 18 years, percent, 2010	28.1%	31.5%
Persons 65 years and over, percent, 2010	19.0%	9.0%
Female persons, percent, 2010	51.1%	49.8%
-----		
White alone, percent, 2010 (a)	87.2%	86.1%
Black or African American alone, percent, 2010 (a)	0.7%	1.1%
American Indian and Alaska Native alone, percent, 2010 (a)	1.5%	1.2%
Asian alone, percent, 2010 (a)	0.8%	2.0%
Native Hawaiian and Other Pacific Islander alone, percent, 2010 (a)	1.0%	0.9%
Two or More Races, percent, 2010	2.6%	2.7%
Hispanic or Latino, percent, 2010 (b)	12.8%	13.0%
White alone, not Hispanic or Latino, percent, 2010	81.9%	80.4%
-----		
<b>Living in same house 1 year &amp; over, percent, 2008-2012</b>	<b>80.2%</b>	<b>82.6%</b>
Foreign born persons, percent, 2008-2012	7.7%	8.3%
Language other than English spoken at home, pct age 5+, 2008-2012	10.7%	14.4%
High school graduate or higher, percent of persons age 25+, 2008-2012	89.8%	90.6%
Bachelor's degree or higher, percent of persons age 25+, 2008-2012	25.5%	29.9%
Veterans, 2008-2012	5,968	146,524
Mean travel time to work (minutes), workers age 16+, 2008-2012	14.9	21.5
Housing units, 2010	32,089	979,709
Homeownership rate, 2008-2012	64.7%	70.4%
Housing units in multi-unit structures, percent, 2008-2012	22.2%	21.3%
Median value of owner-occupied housing units, 2008-2012	\$226,000	\$217,800
Households, 2008-2012	25,330	880,873
<b>Persons per household, 2008-2012</b>	<b>2.86</b>	<b>3.09</b>
Per capita money income in past 12 months (2012 dollars), 2008-2012	\$21,196	\$23,794
Median household income, 2008-2012	\$47,484	\$58,164
Persons below poverty level, percent, 2008-2012	14.9%	12.1%
-----		
<b>Business QuickFacts</b>	<b>St. George</b>	<b>Utah</b>
Total number of firms, 2007	8,705	246,393
Black-owned firms, percent, 2007	F	0.5%
American Indian- and Alaska Native-owned firms, percent, 2007	F	0.6%
Asian-owned firms, percent, 2007	0.6%	1.9%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	F	0.3%
Hispanic-owned firms, percent, 2007	2.7%	3.7%

Women-owned firms, percent, 2007	20.4%	24.9%
<hr/>		
Manufacturers shipments, 2007 (\$1000)	465,915	42,431,657
Merchant wholesaler sales, 2007 (\$1000)	342,306	25,417,368
Retail sales, 2007 (\$1000)	1,672,537	36,574,240
Retail sales per capita, 2007	\$23,769	\$13,730
Accommodation and food services sales, 2007 (\$1000)	187,185	3,980,570

<b>Geography QuickFacts</b>	<b>St. George</b>	<b>Utah</b>
Land area in square miles, 2010	70.40	82,169.62
Persons per square mile, 2010	1,035.5	33.6
FIPS Code	65330	49
Counties		

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

D: Suppressed to avoid disclosure of confidential information

F: Fewer than 25 firms

FN: Footnote on this item for this area in place of data

NA: Not available

S: Suppressed; does not meet publication standards

X: Not applicable

Z: Value greater than zero but less than half unit of measure shown

Source U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, County Business Patterns, Economic Census, Survey of Business Owners, Building Permits, Census of Governments

Last Revised: Tuesday, 08-Jul-2014 06:46:11 EDT

[ABOUT US](#)

[FIND DATA](#)

[BUSINESS & INDUSTRY](#)

[PEOPLE & HOUSEHOLDS](#)

[SPECIAL TOPICS](#)

[NEWSROOM](#)

||||

**Brief of St. George City**

**Exhibit 6 – U.S. Census Bureau**

**ACS Data**



DP04

SELECTED HOUSING CHARACTERISTICS

2008-2012 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Subject	Utah				St. George city, Utah
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate
<b>HOUSING OCCUPANCY</b>					
Total housing units	979,848	+/-285	979,848	(X)	31,981
Occupied housing units	880,873	+/-2,335	89.9%	+/-0.2	25,330
Vacant housing units	98,975	+/-2,413	10.1%	+/-0.2	6,651
Homeowner vacancy rate	1.9	+/-0.1	(X)	(X)	4.0
Rental vacancy rate	5.8	+/-0.3	(X)	(X)	6.7
<b>UNITS IN STRUCTURE</b>					
Total housing units	979,848	+/-285	979,848	(X)	31,981
1-unit, detached	673,819	+/-2,372	68.8%	+/-0.2	20,491
1-unit, attached	58,005	+/-1,362	5.9%	+/-0.1	2,719
2 units	31,397	+/-1,246	3.2%	+/-0.1	759
3 or 4 units	43,736	+/-1,561	4.5%	+/-0.2	1,767
5 to 9 units	33,541	+/-1,383	3.4%	+/-0.1	1,943
10 to 19 units	43,954	+/-1,426	4.5%	+/-0.1	1,311
20 or more units	56,075	+/-1,492	5.7%	+/-0.2	1,334
Mobile home	38,592	+/-1,099	3.9%	+/-0.1	1,570
Boat, RV, van, etc.	729	+/-173	0.1%	+/-0.1	87
<b>YEAR STRUCTURE BUILT</b>					
Total housing units	979,848	+/-285	979,848	(X)	31,981
Built 2010 or later	5,151	+/-568	0.5%	+/-0.1	138
Built 2000 to 2009	209,021	+/-2,351	21.3%	+/-0.2	10,638
Built 1990 to 1999	185,262	+/-2,467	18.9%	+/-0.3	9,461
Built 1980 to 1989	132,138	+/-2,101	13.5%	+/-0.2	6,138
Built 1970 to 1979	178,762	+/-2,440	18.2%	+/-0.2	3,558
Built 1960 to 1969	74,891	+/-1,506	7.6%	+/-0.2	847
Built 1950 to 1959	76,822	+/-1,553	7.8%	+/-0.2	371
Built 1940 to 1949	37,846	+/-1,302	3.9%	+/-0.1	333
Built 1939 or earlier	79,955	+/-1,560	8.2%	+/-0.2	497
<b>ROOMS</b>					
Total housing units	979,848	+/-285	979,848	(X)	31,981
1 room	11,433	+/-826	1.2%	+/-0.1	388

Subject	Utah				St. George city, Utah
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate
2 rooms	20,259	+/-1,056	2.1%	+/-0.1	927
3 rooms	63,302	+/-1,783	6.5%	+/-0.2	2,368
4 rooms	138,682	+/-2,341	14.2%	+/-0.2	6,131
5 rooms	155,151	+/-2,544	15.8%	+/-0.3	7,569
6 rooms	132,638	+/-2,115	13.5%	+/-0.2	4,608
7 rooms	120,789	+/-2,053	12.3%	+/-0.2	2,886
8 rooms	113,609	+/-2,036	11.6%	+/-0.2	2,595
9 rooms or more	223,985	+/-2,230	22.9%	+/-0.2	4,509
Median rooms	6.3	+/-0.1	(X)	(X)	5.3
<b>BEDROOMS</b>					
Total housing units	979,848	+/-285	979,848	(X)	31,981
No bedroom	12,268	+/-837	1.3%	+/-0.1	398
1 bedroom	72,603	+/-1,775	7.4%	+/-0.2	2,244
2 bedrooms	200,671	+/-2,700	20.5%	+/-0.3	8,107
3 bedrooms	305,074	+/-2,661	31.1%	+/-0.3	13,421
4 bedrooms	211,285	+/-2,432	21.6%	+/-0.2	4,816
5 or more bedrooms	177,947	+/-2,154	18.2%	+/-0.2	2,995
<b>HOUSING TENURE</b>					
Occupied housing units	880,873	+/-2,335	880,873	(X)	25,330
Owner-occupied	620,475	+/-3,806	70.4%	+/-0.3	16,378
Renter-occupied	260,398	+/-2,770	29.6%	+/-0.3	8,952
Average household size of owner-occupied unit	3.20	+/-0.01	(X)	(X)	2.79
Average household size of renter-occupied unit	2.81	+/-0.02	(X)	(X)	2.99
<b>YEAR HOUSEHOLDER MOVED INTO UNIT</b>					
Occupied housing units	880,873	+/-2,335	880,873	(X)	25,330
Moved in 2010 or later	107,722	+/-2,109	12.2%	+/-0.2	3,453
Moved in 2000 to 2009	491,625	+/-3,043	55.8%	+/-0.3	16,236
Moved in 1990 to 1999	144,050	+/-2,041	16.4%	+/-0.2	4,117
Moved in 1980 to 1989	58,288	+/-1,285	6.6%	+/-0.1	886
Moved in 1970 to 1979	45,012	+/-978	5.1%	+/-0.1	409
Moved in 1969 or earlier	34,176	+/-935	3.9%	+/-0.1	229
<b>VEHICLES AVAILABLE</b>					
Occupied housing units	880,873	+/-2,335	880,873	(X)	25,330
No vehicles available	39,828	+/-1,039	4.5%	+/-0.1	1,118
1 vehicle available	229,852	+/-2,506	26.1%	+/-0.3	8,736
2 vehicles available	367,752	+/-3,149	41.7%	+/-0.3	10,524
3 or more vehicles available	243,441	+/-2,245	27.6%	+/-0.3	4,952
<b>HOUSE HEATING FUEL</b>					
Occupied housing units	880,873	+/-2,335	880,873	(X)	25,330
Utility gas	752,827	+/-2,594	85.5%	+/-0.2	13,447
Bottled, tank, or LP gas	20,391	+/-768	2.3%	+/-0.1	279
Electricity	89,705	+/-1,710	10.2%	+/-0.2	11,323
Fuel oil, kerosene, etc.	1,708	+/-239	0.2%	+/-0.1	0
Coal or coke	1,635	+/-171	0.2%	+/-0.1	0
Wood	11,333	+/-632	1.3%	+/-0.1	157
Solar energy	196	+/-78	0.0%	+/-0.1	0
Other fuel	2,246	+/-274	0.3%	+/-0.1	72
No fuel used	832	+/-180	0.1%	+/-0.1	52
<b>SELECTED CHARACTERISTICS</b>					
Occupied housing units	880,873	+/-2,335	880,873	(X)	25,330
Lacking complete plumbing facilities	3,434	+/-466	0.4%	+/-0.1	55

Subject	Utah				St. George city, Utah
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate
Lacking complete kitchen facilities	6,105	+/-616	0.7%	+/-0.1	73
No telephone service available	17,737	+/-856	2.0%	+/-0.1	539
<b>OCCUPANTS PER ROOM</b>					
Occupied housing units	880,873	+/-2,335	880,873	(X)	25,330
1.00 or less	849,489	+/-2,678	96.4%	+/-0.2	24,349
1.01 to 1.50	26,407	+/-1,275	3.0%	+/-0.1	819
1.51 or more	4,977	+/-471	0.6%	+/-0.1	162
<b>VALUE</b>					
Owner-occupied units	620,475	+/-3,806	620,475	(X)	16,378
Less than \$50,000	24,972	+/-896	4.0%	+/-0.1	624
\$50,000 to \$99,999	24,994	+/-1,000	4.0%	+/-0.2	841
\$100,000 to \$149,999	83,326	+/-1,558	13.4%	+/-0.2	2,060
\$150,000 to \$199,999	137,021	+/-2,136	22.1%	+/-0.3	3,222
\$200,000 to \$299,999	189,401	+/-2,792	30.5%	+/-0.4	4,964
\$300,000 to \$499,999	117,112	+/-1,777	18.9%	+/-0.3	3,593
\$500,000 to \$999,999	36,503	+/-1,054	5.9%	+/-0.2	952
\$1,000,000 or more	7,146	+/-539	1.2%	+/-0.1	122
Median (dollars)	217,800	+/-853	(X)	(X)	226,000
<b>MORTGAGE STATUS</b>					
Owner-occupied units	620,475	+/-3,806	620,475	(X)	16,378
Housing units with a mortgage	456,936	+/-3,429	73.6%	+/-0.3	10,015
Housing units without a mortgage	163,539	+/-1,957	26.4%	+/-0.3	6,363
<b>SELECTED MONTHLY OWNER COSTS (SMOC)</b>					
Housing units with a mortgage	456,936	+/-3,429	456,936	(X)	10,015
Less than \$300	1,141	+/-191	0.2%	+/-0.1	33
\$300 to \$499	6,824	+/-537	1.5%	+/-0.1	123
\$500 to \$699	14,824	+/-702	3.2%	+/-0.1	397
\$700 to \$999	53,498	+/-1,422	11.7%	+/-0.3	1,462
\$1,000 to \$1,499	158,311	+/-2,328	34.6%	+/-0.4	2,771
\$1,500 to \$1,999	115,693	+/-1,796	25.3%	+/-0.3	2,612
\$2,000 or more	106,645	+/-1,603	23.3%	+/-0.4	2,617
Median (dollars)	1,481	+/-6	(X)	(X)	1,538
Housing units without a mortgage	163,539	+/-1,957	163,539	(X)	6,363
Less than \$100	1,775	+/-256	1.1%	+/-0.2	101
\$100 to \$199	10,394	+/-582	6.4%	+/-0.4	483
\$200 to \$299	35,776	+/-1,235	21.9%	+/-0.7	1,829
\$300 to \$399	46,910	+/-1,127	28.7%	+/-0.6	1,594
\$400 or more	68,684	+/-1,400	42.0%	+/-0.7	2,356
Median (dollars)	371	+/-3	(X)	(X)	347
<b>SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME (SMOCAPI)</b>					
Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	455,397	+/-3,395	455,397	(X)	9,993
Less than 20.0 percent	156,469	+/-2,164	34.4%	+/-0.4	2,675
20.0 to 24.9 percent	80,216	+/-1,730	17.6%	+/-0.4	1,475
25.0 to 29.9 percent	62,494	+/-1,630	13.7%	+/-0.3	1,124
30.0 to 34.9 percent	44,197	+/-1,319	9.7%	+/-0.3	1,135
35.0 percent or more	112,021	+/-2,137	24.6%	+/-0.4	3,584
Not computed	1,539	+/-280	(X)	(X)	22
Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)	161,985	+/-1,979	161,985	(X)	6,227
Less than 10.0 percent	90,871	+/-1,493	56.1%	+/-0.6	3,254

Subject	Utah				St. George city, Utah
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate
10.0 to 14.9 percent	27,994	+/-974	17.3%	+/-0.6	1,204
15.0 to 19.9 percent	15,283	+/-723	9.4%	+/-0.4	709
20.0 to 24.9 percent	8,415	+/-565	5.2%	+/-0.3	419
25.0 to 29.9 percent	5,005	+/-415	3.1%	+/-0.3	235
30.0 to 34.9 percent	3,442	+/-372	2.1%	+/-0.2	133
35.0 percent or more	10,975	+/-700	6.8%	+/-0.4	273
Not computed	1,554	+/-261	(X)	(X)	136
<b>GROSS RENT</b>					
Occupied units paying rent	247,523	+/-2,690	247,523	(X)	8,472
Less than \$200	3,660	+/-354	1.5%	+/-0.1	17
\$200 to \$299	5,325	+/-450	2.2%	+/-0.2	113
\$300 to \$499	18,411	+/-947	7.4%	+/-0.4	656
\$500 to \$749	66,929	+/-1,739	27.0%	+/-0.7	2,010
\$750 to \$999	73,429	+/-1,663	29.7%	+/-0.6	2,565
\$1,000 to \$1,499	59,754	+/-1,619	24.1%	+/-0.6	2,446
\$1,500 or more	20,015	+/-965	8.1%	+/-0.4	665
Median (dollars)	839	+/-5	(X)	(X)	877
No rent paid	12,875	+/-673	(X)	(X)	480
<b>GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)</b>					
Occupied units paying rent (excluding units where GRAPI cannot be computed)	243,648	+/-2,632	243,648	(X)	8,217
Less than 15.0 percent	31,730	+/-1,181	13.0%	+/-0.5	601
15.0 to 19.9 percent	31,393	+/-1,161	12.9%	+/-0.4	839
20.0 to 24.9 percent	33,810	+/-1,403	13.9%	+/-0.5	1,338
25.0 to 29.9 percent	29,434	+/-1,404	12.1%	+/-0.6	1,040
30.0 to 34.9 percent	23,265	+/-1,145	9.5%	+/-0.5	781
35.0 percent or more	94,016	+/-2,209	38.6%	+/-0.8	3,618
Not computed	16,750	+/-754	(X)	(X)	735

Subject	St. George city, Utah		
	Margin of Error	Percent	Percent Margin of Error
<b>HOUSING OCCUPANCY</b>			
Total housing units	+/-554	31,981	(X)
Occupied housing units	+/-521	79.2%	+/-1.5
Vacant housing units	+/-523	20.8%	+/-1.5
Homeowner vacancy rate	+/-1.5	(X)	(X)
Rental vacancy rate	+/-2.2	(X)	(X)
<b>UNITS IN STRUCTURE</b>			
Total housing units	+/-554	31,981	(X)
1-unit, detached	+/-668	64.1%	+/-1.6
1-unit, attached	+/-340	8.5%	+/-1.1
2 units	+/-200	2.4%	+/-0.6
3 or 4 units	+/-310	5.5%	+/-1.0
5 to 9 units	+/-354	6.1%	+/-1.1
10 to 19 units	+/-313	4.1%	+/-1.0
20 or more units	+/-275	4.2%	+/-0.9
Mobile home	+/-266	4.9%	+/-0.8
Boat, RV, van, etc.	+/-98	0.3%	+/-0.3
<b>YEAR STRUCTURE BUILT</b>			
Total housing units	+/-554	31,981	(X)
Built 2010 or later	+/-100	0.4%	+/-0.3
Built 2000 to 2009	+/-545	33.3%	+/-1.5
Built 1990 to 1999	+/-601	29.6%	+/-1.8
Built 1980 to 1989	+/-469	19.2%	+/-1.4
Built 1970 to 1979	+/-383	11.1%	+/-1.2
Built 1960 to 1969	+/-198	2.6%	+/-0.6
Built 1950 to 1959	+/-143	1.2%	+/-0.4
Built 1940 to 1949	+/-146	1.0%	+/-0.5
Built 1939 or earlier	+/-161	1.6%	+/-0.5
<b>ROOMS</b>			
Total housing units	+/-554	31,981	(X)
1 room	+/-161	1.2%	+/-0.5
2 rooms	+/-242	2.9%	+/-0.8
3 rooms	+/-398	7.4%	+/-1.2
4 rooms	+/-598	19.2%	+/-1.8
5 rooms	+/-649	23.7%	+/-2.0
6 rooms	+/-477	14.4%	+/-1.5
7 rooms	+/-393	9.0%	+/-1.2
8 rooms	+/-371	8.1%	+/-1.2
9 rooms or more	+/-429	14.1%	+/-1.3
Median rooms	+/-0.1	(X)	(X)
<b>BEDROOMS</b>			
Total housing units	+/-554	31,981	(X)
No bedroom	+/-162	1.2%	+/-0.5
1 bedroom	+/-321	7.0%	+/-1.0
2 bedrooms	+/-705	25.3%	+/-2.1
3 bedrooms	+/-812	42.0%	+/-2.4
4 bedrooms	+/-452	15.1%	+/-1.4
5 or more bedrooms	+/-363	9.4%	+/-1.2
<b>HOUSING TENURE</b>			
Occupied housing units	+/-521	25,330	(X)
Owner-occupied	+/-510	64.7%	+/-1.9
Renter-occupied	+/-546	35.3%	+/-1.9

Subject	St. George city, Utah		
	Margin of Error	Percent	Percent Margin of Error
Average household size of owner-occupied unit	+/-0.08	(X)	(X)
Average household size of renter-occupied unit	+/-0.13	(X)	(X)
YEAR HOUSEHOLDER MOVED INTO UNIT			
Occupied housing units	+/-521	25,330	(X)
Moved in 2010 or later	+/-449	13.6%	+/-1.7
Moved in 2000 to 2009	+/-692	64.1%	+/-2.3
Moved in 1990 to 1999	+/-473	16.3%	+/-1.9
Moved in 1980 to 1989	+/-187	3.5%	+/-0.7
Moved in 1970 to 1979	+/-111	1.6%	+/-0.4
Moved in 1969 or earlier	+/-89	0.9%	+/-0.4
VEHICLES AVAILABLE			
Occupied housing units	+/-521	25,330	(X)
No vehicles available	+/-229	4.4%	+/-0.9
1 vehicle available	+/-588	34.5%	+/-2.1
2 vehicles available	+/-527	41.5%	+/-2.1
3 or more vehicles available	+/-383	19.5%	+/-1.5
HOUSE HEATING FUEL			
Occupied housing units	+/-521	25,330	(X)
Utility gas	+/-604	53.1%	+/-2.2
Bottled, tank, or LP gas	+/-100	1.1%	+/-0.4
Electricity	+/-648	44.7%	+/-2.3
Fuel oil, kerosene, etc.	+/-27	0.0%	+/-0.1
Coal or coke	+/-27	0.0%	+/-0.1
Wood	+/-113	0.6%	+/-0.4
Solar energy	+/-27	0.0%	+/-0.1
Other fuel	+/-92	0.3%	+/-0.4
No fuel used	+/-47	0.2%	+/-0.2
SELECTED CHARACTERISTICS			
Occupied housing units	+/-521	25,330	(X)
Lacking complete plumbing facilities	+/-48	0.2%	+/-0.2
Lacking complete kitchen facilities	+/-54	0.3%	+/-0.2
No telephone service available	+/-139	2.1%	+/-0.5
OCCUPANTS PER ROOM			
Occupied housing units	+/-521	25,330	(X)
1.00 or less	+/-595	96.1%	+/-1.0
1.01 to 1.50	+/-211	3.2%	+/-0.8
1.51 or more	+/-127	0.6%	+/-0.5
VALUE			
Owner-occupied units	+/-510	16,378	(X)
Less than \$50,000	+/-149	3.8%	+/-0.9
\$50,000 to \$99,999	+/-188	5.1%	+/-1.1
\$100,000 to \$149,999	+/-306	12.6%	+/-1.9
\$150,000 to \$199,999	+/-355	19.7%	+/-1.9
\$200,000 to \$299,999	+/-390	30.3%	+/-2.3
\$300,000 to \$499,999	+/-378	21.9%	+/-2.2
\$500,000 to \$999,999	+/-168	5.8%	+/-1.0
\$1,000,000 or more	+/-67	0.7%	+/-0.4
Median (dollars)	+/-6,173	(X)	(X)
MORTGAGE STATUS			
Owner-occupied units	+/-510	16,378	(X)
Housing units with a mortgage	+/-503	61.1%	+/-2.2
Housing units without a mortgage	+/-386	38.9%	+/-2.2

Subject	St. George city, Utah		
	Margin of Error	Percent	Percent Margin of Error
<b>SELECTED MONTHLY OWNER COSTS (SMOC)</b>			
Housing units with a mortgage	+/-503	10,015	(X)
Less than \$300	+/-31	0.3%	+/-0.3
\$300 to \$499	+/-91	1.2%	+/-0.9
\$500 to \$699	+/-121	4.0%	+/-1.2
\$700 to \$999	+/-240	14.6%	+/-2.3
\$1,000 to \$1,499	+/-331	27.7%	+/-3.1
\$1,500 to \$1,999	+/-312	26.1%	+/-2.7
\$2,000 or more	+/-309	26.1%	+/-3.0
Median (dollars)	+/-53	(X)	(X)
<b>Housing units without a mortgage</b>			
Less than \$100	+/-109	1.6%	+/-1.7
\$100 to \$199	+/-127	7.6%	+/-2.0
\$200 to \$299	+/-299	28.7%	+/-4.3
\$300 to \$399	+/-216	25.1%	+/-3.2
\$400 or more	+/-254	37.0%	+/-3.4
Median (dollars)	+/-14	(X)	(X)
<b>SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME (SMOCAPI)</b>			
Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	+/-508	9,993	(X)
Less than 20.0 percent	+/-369	26.8%	+/-3.4
20.0 to 24.9 percent	+/-232	14.8%	+/-2.3
25.0 to 29.9 percent	+/-237	11.2%	+/-2.2
30.0 to 34.9 percent	+/-193	11.4%	+/-1.9
35.0 percent or more	+/-398	35.9%	+/-3.4
Not computed	+/-29	(X)	(X)
<b>Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)</b>			
Less than 10.0 percent	+/-332	52.3%	+/-3.8
10.0 to 14.9 percent	+/-184	19.3%	+/-2.8
15.0 to 19.9 percent	+/-175	11.4%	+/-2.7
20.0 to 24.9 percent	+/-122	6.7%	+/-2.0
25.0 to 29.9 percent	+/-120	3.8%	+/-1.9
30.0 to 34.9 percent	+/-62	2.1%	+/-1.0
35.0 percent or more	+/-88	4.4%	+/-1.3
Not computed	+/-102	(X)	(X)
<b>GROSS RENT</b>			
Occupied units paying rent	+/-506	8,472	(X)
Less than \$200	+/-26	0.2%	+/-0.3
\$200 to \$299	+/-85	1.3%	+/-1.0
\$300 to \$499	+/-193	7.7%	+/-2.2
\$500 to \$749	+/-330	23.7%	+/-4.0
\$750 to \$999	+/-315	30.3%	+/-3.2
\$1,000 to \$1,499	+/-389	28.9%	+/-4.0
\$1,500 or more	+/-197	7.8%	+/-2.3
Median (dollars)	+/-28	(X)	(X)
No rent paid	+/-183	(X)	(X)
<b>GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)</b>			
Occupied units paying rent (excluding units where GRAPI cannot be computed)	+/-524	8,217	(X)

Subject	St. George city, Utah		
	Margin of Error	Percent	Percent Margin of Error
Less than 15.0 percent	+/-183	7.3%	+/-2.2
15.0 to 19.9 percent	+/-233	10.2%	+/-2.7
20.0 to 24.9 percent	+/-308	16.3%	+/-3.6
25.0 to 29.9 percent	+/-195	12.7%	+/-2.3
30.0 to 34.9 percent	+/-214	9.5%	+/-2.7
35.0 percent or more	+/-447	44.0%	+/-4.3
Not computed	+/-233	(X)	(X)

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

The median gross rent excludes no cash renters.

In prior years, the universe included all owner-occupied units with a mortgage. It is now restricted to include only those units where SMOCAPI is computed, that is, SMOC and household income are valid values.

In prior years, the universe included all owner-occupied units without a mortgage. It is now restricted to include only those units where SMOCAPI is computed, that is, SMOC and household income are valid values.

In prior years, the universe included all renter-occupied units. It is now restricted to include only those units where GRAPI is computed, that is, gross rent and household income are valid values.

The 2007, 2008, 2009, 2010, 2011, and 2012 plumbing data for Puerto Rico will not be shown. Research indicates that the questions on plumbing facilities that were introduced in 2008 in the stateside American Community Survey and the 2008 Puerto Rico Community Survey may not have been appropriate for Puerto Rico.

Median calculations for base table sourcing VAL, MHC, SMOC, and TAX should exclude zero values.

Telephone service data are not available for certain geographic areas due to problems with data collection. See Errata Note #93 for details.

While the 2008-2012 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2008-2012 American Community Survey

#### Explanation of Symbols:

1. An '\*\*\*' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '\*\*\*' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '\*\*\*\*\*' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

8. An '(X)' means that the estimate is not applicable or not available.

**Brief of St. George City**

**Exhibit 7 – ITE Data**

Assisted Living (Residential Treatment Facility)  
8 residents -> 16 residents  
6 full time staff members

Typical Single Family Residence  
1 home

Trip Comparison

Assisted Living (ITE 254)  
Occupied Beds  
2.74 trip rate => 43.84 trips  
Employees  
3.93 trip rate => 23.58 trips

Single-Family Detached Housing (ITE 210)  
Dwelling Units  
9.57 trip rate => 9.57 trips

# Land Use: 210

## Single-Family Detached Housing

### Description

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

### Additional Data

The number of vehicles and residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it was usually readily available, easy to project and had a high correlation with average weekday vehicle trip ends.

This land use included data from a wide variety of units with different sizes, price ranges, locations and ages. Consequently, there was a wide variation in trips generated within this category. As expected, dwelling units that were larger in size, more expensive, or farther away from the central business district (CBD) had a higher rate of trip generation per unit than those smaller in size, less expensive, or closer to the CBD. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation.

Single-family detached units had the highest trip generation rate per dwelling unit of all residential uses because they were the largest units in size and had more residents and more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally had fewer alternate modes of transportation available because they were typically not as concentrated as other residential land uses.

The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed between the late 1960s and the 2000s throughout the United States and Canada.

### Source Numbers

1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 19, 20, 21, 26, 34, 35, 36, 38, 40, 71, 72, 84, 91, 98, 100, 105, 108, 110, 114, 117, 119, 157, 167, 177, 187, 192, 207, 211, 246, 275, 283, 293, 300, 319, 320, 357, 384, 435, 550, 552, 579, 598, 601, 603, 611, 614, 637

# Single-Family Detached Housing (210)

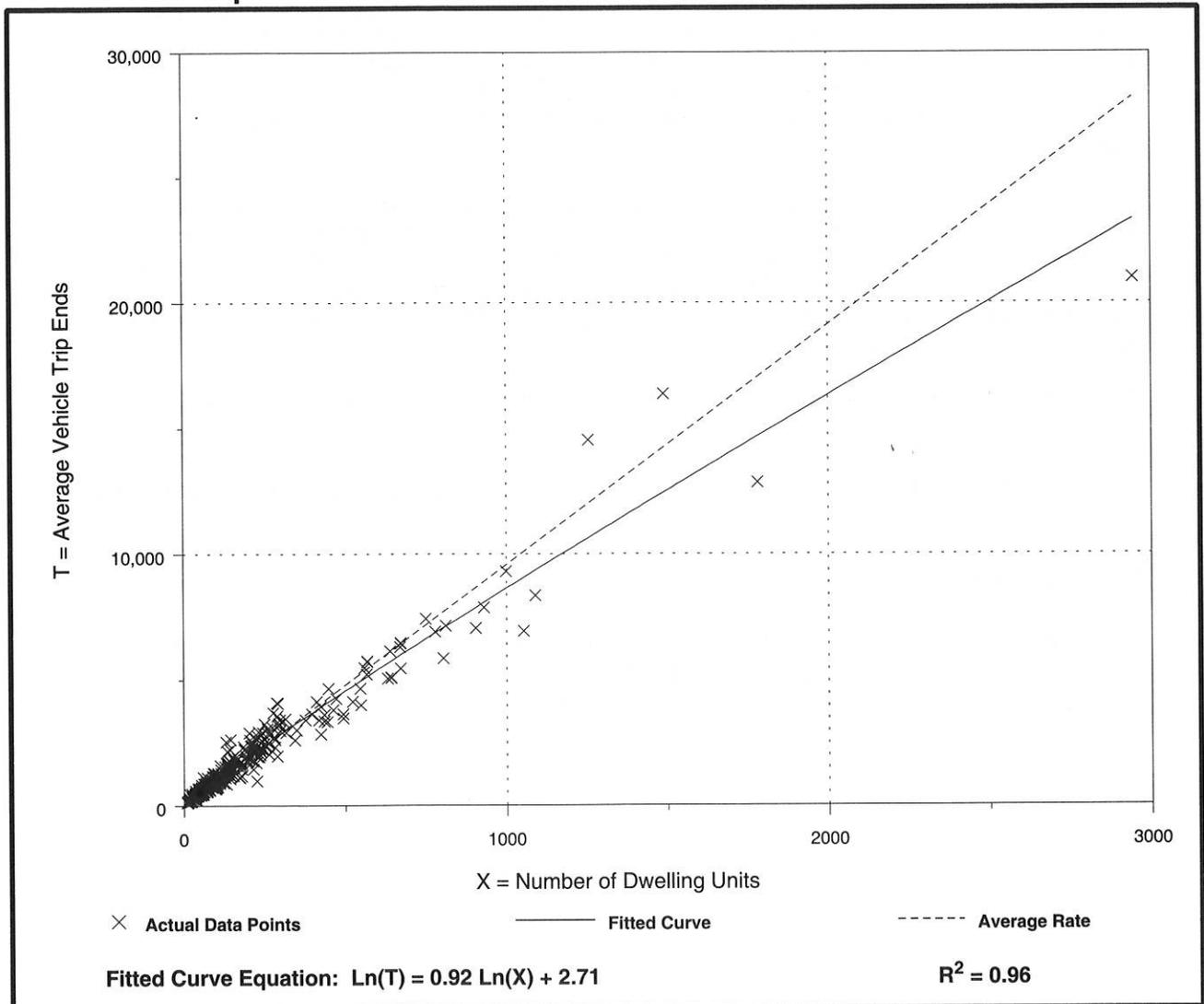
**Average Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday**

Number of Studies: 351  
Avg. Number of Dwelling Units: 197  
Directional Distribution: 50% entering, 50% exiting

## Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.57	4.31 - 21.85	3.69

## Data Plot and Equation



# Land Use: 254 Assisted Living

## Description

Assisted living complexes are residential settings that provide either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. They commonly have separate living quarters for residents, and services include dining, housekeeping, social and physical activities, medication administration and transportation. Alzheimer's and ALS care are commonly offered by these facilities, though the living quarters for these patients may be located separately from the other residents. Assisted care commonly bridges the gap between independent living and nursing homes. In some areas of the country, assisted living residences may be called personal care, residential care, or domiciliary care. Staff may be available at an assisted care facility 24 hours a day, but skilled medical care—which is limited in nature—is not required. Continuing care retirement community (Land Use 255) and nursing home (Land Use 620) are related uses.

## Additional Data

The rooms in these facilities may be private or shared accommodations, consisting of either a single room or a small apartment-style unit with a kitchenette and living space.

One study reported that according to national and local data, less than 5 percent of the residents owned cars, which were rarely driven. Employees, visitors and delivery trucks made most of the trips to these facilities.

Truck traffic was captured for some studies in this land use and is presented in the table below. Although truck traffic was very low overall, most trips occurred during the mid-day period on a weekday.

The peak hour of the generator typically did not coincide with the peak hour of the adjacent street traffic, primarily because of the shifts of the employees. For the data collected in this land use, shifts typically began at 7:00 a.m., 3:00 p.m. and 11:00 p.m. The a.m. peak hour of the generator typically occurred between 6:00 a.m. and 7:00 a.m., while the p.m. peak hour of the generator typically occurred between 3:00 p.m. and 4:00 p.m.

Time Period	% Trucks
Weekday Morning (6:30 a.m.–9:30 a.m.)	1
Weekday Mid-Day (11:00 a.m.–1:30 p.m.)	9
Weekday Evening (2:45 p.m.–6:45 p.m.)	2
Saturday Mid-Day (11:00 a.m.–2:00 p.m.)	4
Saturday Evening (3:00 p.m.–6:00 p.m.)	0
Sunday Mid-Day (11:00 a.m.–2:00 p.m.)	1
Sunday Evening (3:00 p.m.–6:00 p.m.)	0

The sites were surveyed in the late 1980s, the late 1990s and the 2000s in Connecticut, New Jersey, New York, Pennsylvania and Oregon.

**Source Numbers**

91, 244, 573, 581, 611

# Assisted Living (254)

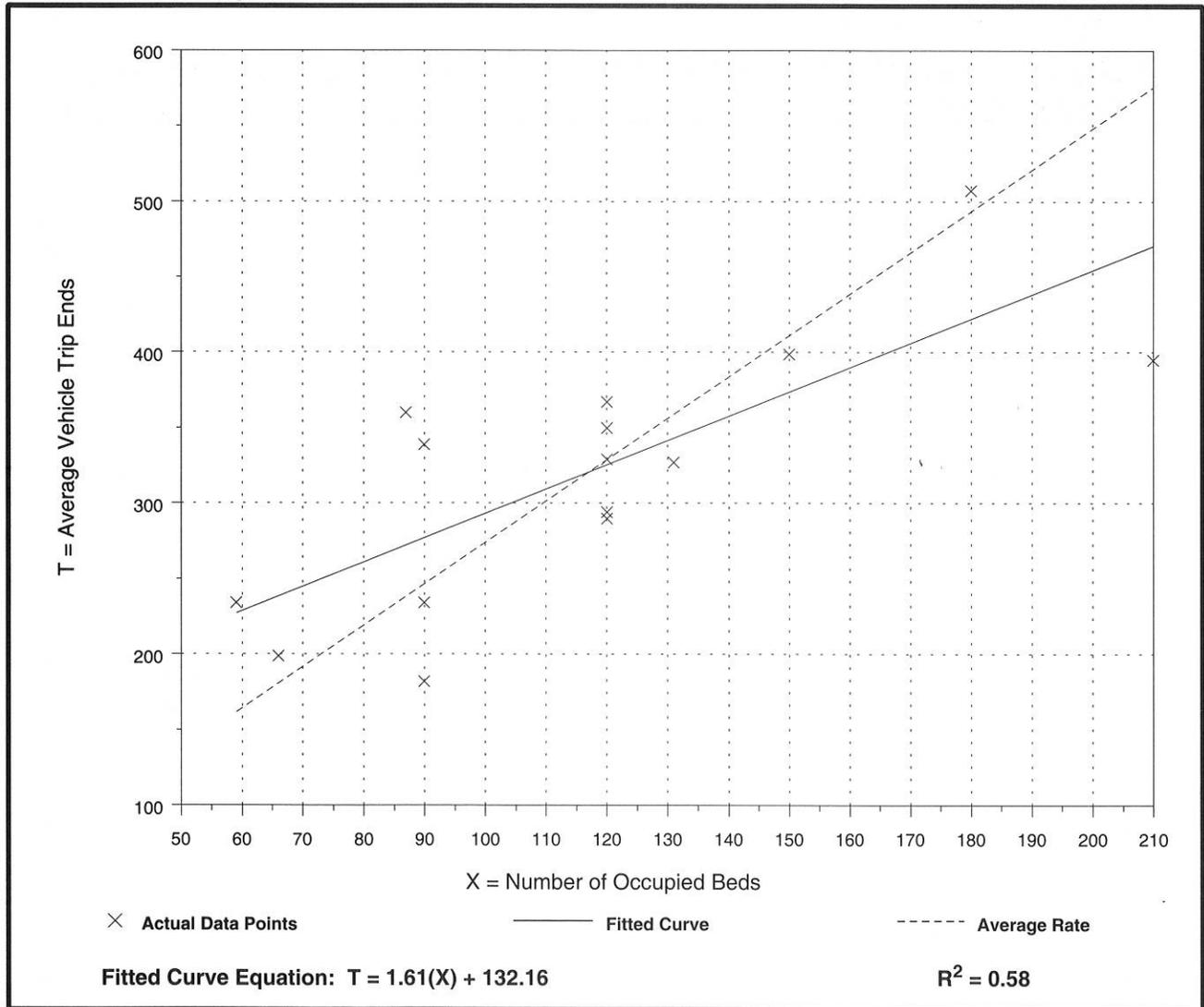
## Average Vehicle Trip Ends vs: Occupied Beds On a: Weekday

Number of Studies: 15  
 Average Number of Occupied Beds: 117  
 Directional Distribution: 50% entering, 50% exiting

### Trip Generation per Occupied Bed

Average Rate	Range of Rates	Standard Deviation
2.74	1.88 - 4.14	1.75

### Data Plot and Equation



# Assisted Living (254)

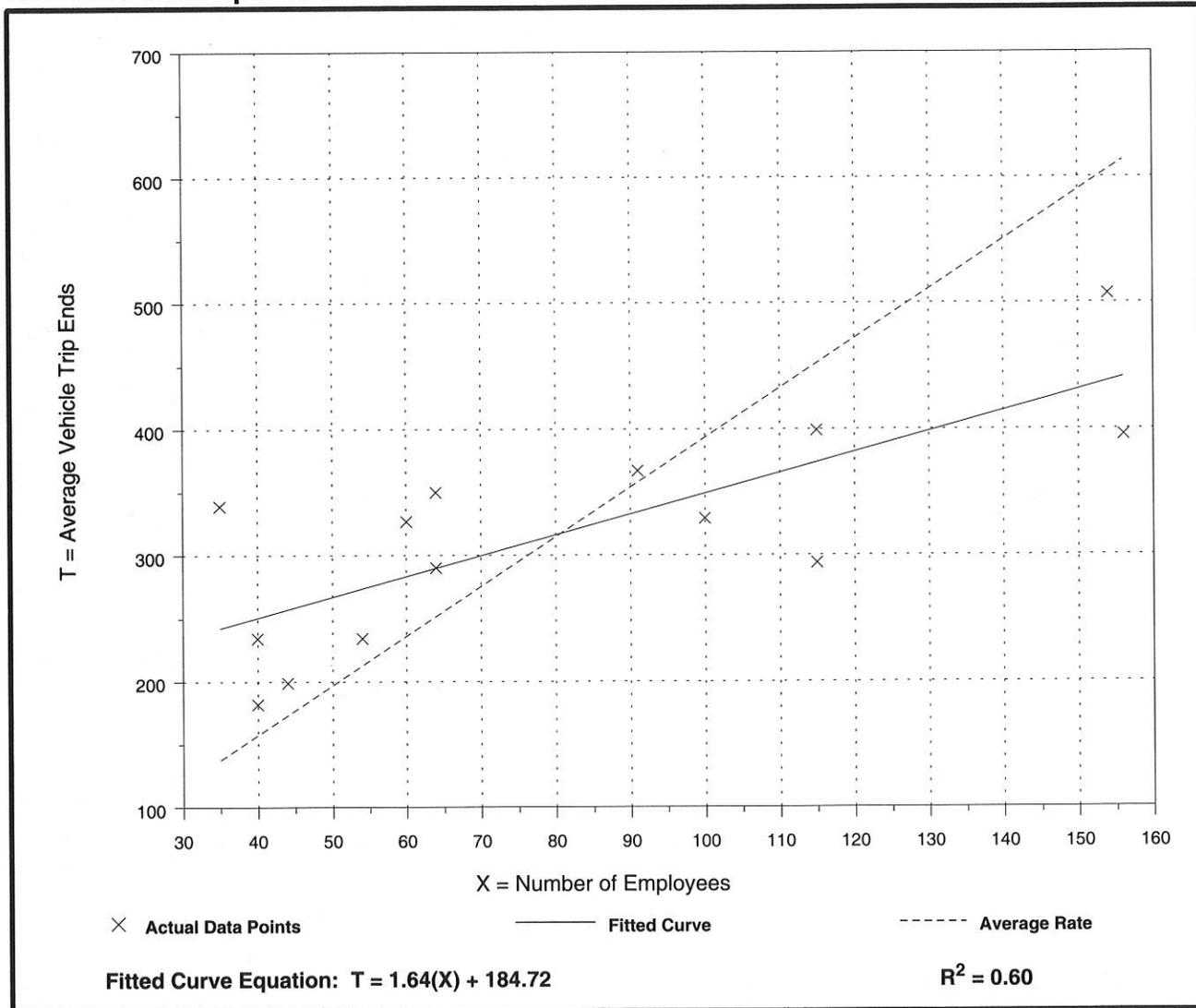
## Average Vehicle Trip Ends vs: Employees On a: Weekday

Number of Studies: 14  
 Avg. Number of Employees: 81  
 Directional Distribution: 50% entering, 50% exiting

### Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
3.93	2.53 - 9.69	2.43

### Data Plot and Equation



**Brief of St. George City**

**Exhibit 8 – Parking Pictures**







**STEPS**  
Recovery Center

# **CLOSED CAMPUS**

**All Visitors Must Use Front Entrance  
(East Side of Main Building)**

**Brief of St. George City**

**Exhibit 9 – Garbage Cans**

**Draper Facility**



Candalite LLC Assisted Living Home in Draper, UT. This home has room for only 10 patrons.