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Agenda Item Number : 2A

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-29 16:39:06 |
| **Applicant** | Connie Hood |
| **Quick Title** | Bid Award |
| **Subject** | Steel Poles and Structures for Flood Street 69kv Transmission Line |
| **Discussion** | After reviewing the submitted proposals for the subject project, TAPP was the low bidder and we recommend that the bid be awarded to them. |
| **Cost** | $110,241.00 |
| **City Manager Recommendation** | Recommend approval |
| **Action Taken** | |
| **Requested by** | Barb Barrett |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | The bid tabulation sheet is attached for your reference. |

| | | | | TRINITY MEYER | | | | DIS-TRAN STEEL, LLC | | | | WESTERN UTILITY TELECOM, INC | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| TEM # | STURCTURE DESCRIPTION | QTY | UNIT | UNIT COST | TOTAL COST | STRUCTURE WEIGHT (lbs) | TOTAL Weight (lbs) | UNIT COST | TOTAL COST | STRUCTURE WEIGHT (lbs) | TOTAL Weight (lbs) | UNIT COST | TOTAL COST | STRUCTURE WEIGHT (lbs) | TOTAL Weight (lbs) |
| 1 | 61' Custon Steel Sturcture Pole #1 | 1 | Each | $24,478.00 | $24,478.00 | 10,829.00 | 10,829.00 | $30,204.00 | $30,204.00 | 9,364.00 | 9,364.00 | $25,504.00 | $25,504.00 | 8,360.00 | 8,360.00 |
| 2 | 70' LD1 Steel Pole - Pole #14 | 1 | Each | $4,349.00 | $4,349.00 | 2,016.00 | 2,016.00 | $5,736.00 | $5,736.00 | 2,155.00 | 2,155.00 | $8,503.00 | $8,503.00 | 2,370.00 | 2,370.00 |
| 3 | 70' LD2 Steel Pole - Poles #10, #11, and #12 | 3 | Each | $4,396.00 | $13,188.00 | 2,107.00 | 6,321.00 | $5,664.00 | $16,992.00 | 2,155.00 | 6,465.00 | $7,635.00 | $22,905.00 | 2,200.00 | 6,600.00 |
| 4 | 70' LD3 Steel Pole - Poles #7, #9 and #13 | 3 | Each | $4,476.00 | $13,428.00 | 2,224.00 | 6,672.00 | $6,019.00 | $18,057.00 | 2,340.00 | 7,020.00 | $7,718.00 | $23,154.00 | 2,320.00 | 6,960.00 |
| 5 | 70' LD4 Steel Pole - Poles #3, #5, #6 and #8 | 4 | Each | $4,652.00 | $18,608.00 | 2,368.00 | 9,472.00 | $6,168.00 | $24,672.00 | 2,562.00 | 10,248.00 | $7,708.00 | $30,832.00 | 2,480.00 | 9,920.00 |
| 6 | 70' LD5 Steel Pole - Poles #4 and #15 | 2 | Each | $4,911.00 | $9,822.00 | 2,593.00 | 5,186.00 | $6,092.00 | $12,184.00 | 2,750.00 | 5,500.00 | $8,055.00 | $16,110.00 | 2,710.00 | 5,420.00 |
| 7 | 70' LD12 Steel Pole - Pole #2 | 1 | Each | $7,074.00 | $7,074.00 | 4,233.00 | 4,233.00 | $8,291.00 | $8,291.00 | 4,651.00 | 4,651.00 | $10,522.00 | $10,522.00 | 4,430.00 | 4,430.00 |
| 8 | 80' Custon LD12 Steel Pole - Pole #23 | 1 | Each | $14,800.00 | $14,800.00 | 6,071.00 | 6,071.00 | $16,569.00 | $16,569.00 | 6,371.00 | 6,371.00 | $12,653.00 | $12,653.00 | 7,960.00 | 7,960.00 |
| 9 | 70' Custon Steel Structure - Pole #24 | 1 | Each | $27,018.00 | $27,018.00 | 12,175.00 | 12,175.00 | $32,259.00 | $32,259.00 | 11,936.00 | 11,936.00 | $28,515.00 | $28,515.00 | 10,750.00 | 10,750.00 |
| 10 | 75' Custum Steel Stucture - Pole #25 | 1 | Each | $37,316.00 | $37,316.00 | 19,372.00 | 19,372.00 | $47,710.00 | $47,710.00 | 20,408.00 | 20,408.00 | $37,447.00 | $37,447.00 | 16,220.00 | 16,220.00 |
| | | | BID TOTAL | | $170,081.00 | | 82,347.00 | | $212,674.00 | | 84,118.00 | | $216,145.00 | | 78,990.00 |

| | | | | TAPP (TransAmerican Power Products Inc.) | | | | Sabre - FWT | | | | VALMONT | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ITEM # | STURCTURE DESCRIPTION | QTY | UNIT | UNIT COST | TOTAL COST | STRUCTURE WEIGHT (lbs) | TOTAL Weight (lbs) | UNIT COST | TOTAL COST | STRUCTURE WEIGHT (lbs) | TOTAL Weight (lbs) | UNIT COST | TOTAL COST | STRUCTURE WEIGHT (lbs) | TOTAL Weight (lbs) |
| 1 | 61' Custon Steel Sturcture Pole #1 | 1 | Each | $13,544.00 | $13,544.00 | 10,470.00 | 10,470.00 | $15,185.00 | $15,185.00 | 10,216.00 | 10,216.00 | $23,017.00 | $23,017.00 | 10,433.67 | 10,433.67 |
| 2 | 70' LD1 Steel Pole - Pole #14 | 1 | Each | $2,932.00 | $2,932.00 | 2,161.00 | 2,161.00 | $4,474.00 | $4,474.00 | 2,113.00 | 2,113.00 | $4,205.00 | $4,205.00 | 2,018.52 | 2,018.52 |
| 3 | 70' LD2 Steel Pole - Poles #10, #11, and #12 | 3 | Each | $2,897.00 | $8,691.00 | 2,244.00 | 6,732.00 | $4,474.00 | $13,422.00 | 2,113.00 | 6,339.00 | $4,329.00 | $12,987.00 | 2,254.42 | 6,763.26 |
| 4 | 70' LD3 Steel Pole - Poles #7, #9 and #13 | 3 | Each | $3,145.00 | $9,435.00 | 2,440.00 | 7,320.00 | $4,556.00 | $13,668.00 | 2,347.00 | 7,041.00 | $4,413.00 | $13,239.00 | 2,418.47 | 7,255.41 |
| 5 | 70' LD4 Steel Pole - Poles #3, #5, #6 and #8 | 4 | Each | $3,265.00 | $13,060.00 | 2,582.00 | 10,328.00 | $4,729.00 | $18,916.00 | 2,517.00 | 10,068.00 | $4,638.00 | $18,552.00 | 2,656.54 | 10,626.16 |
| 6 | 70' LD5 Steel Pole - Poles #4 and #15 | 2 | Each | $3,535.00 | $7,070.00 | 2,779.00 | 5,558.00 | $4,985.00 | $9,970.00 | 2,720.00 | 5,440.00 | $5,117.00 | $10,234.00 | 2,965.92 | 5,931.84 |
| 7 | 70' LD12 Steel Pole - Pole #2 | 1 | Each | $5,385.00 | $5,385.00 | 4,552.00 | 4,552.00 | $6,667.00 | $6,667.00 | 4,469.00 | 4,469.00 | $6,696.00 | $6,696.00 | 4,670.16 | 4,670.16 |
| 8 | 80' Custon LD12 Steel Pole - Pole #23 | 1 | Each | $7,591.00 | $7,591.00 | 6,339.00 | 6,339.00 | $8,346.00 | $8,346.00 | 5,074.00 | 5,074.00 | $11,423.00 | $11,423.00 | 6,136.26 | 6,136.26 |
| 9 | 70' Custon Steel Structure - Pole #24 | 1 | Each | $16,865.00 | $16,865.00 | 13,433.00 | 13,433.00 | $17,516.00 | $17,516.00 | 12,326.00 | 12,326.00 | $24,697.00 | $24,697.00 | 12,636.67 | 12,636.67 |
| 10 | 75' Custum Steel Stucture - Pole #25 | 1 | Each | $25,668.00 | $25,668.00 | 20,580.00 | 20,580.00 | $24,791.00 | $24,791.00 | 18,584.00 | 18,584.00 | $31,049.00 | $31,049.00 | 16,647.46 | 16,647.46 |
| | | | BID TOTAL | | $110,241.00 | | 87,473.00 | | $132,955.00 | | 81,670.00 | | $156,099.00 | | 83,119.41 |

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Agenda Item Number : 2B

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-22 08:40:14 |
| **Applicant** | Jay Sandberg |
| **Quick Title** | Award Contract |
| **Subject** | This is a request to award a contract to Rosenberg Associates for Canyon View Drive Realignment project construction management services. |
| **Discussion** | The work includes construction engineering, surveying and related services. |
| **Cost** | $27,905 |
| **City Manager Recommendation** | Recommend approval |
| **Action Taken** | |
| **Requested by** | Cameron Cutler |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

DRAFT

Agenda Item Number : 2C

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-22 08:27:50 |
| **Applicant** | Jay Sandberg |
| **Quick Title** | Award Contract |
| **Subject** | Consider awarding a contract to Bowen Collins and Associate for Engineering Design Services for Indian Hills Storm Drain Improvements |
| **Discussion** | This contract is for design services for the design of Storm Drain improvements in the vicinity of Indian Hills Drive between 1210 West and Hidden Bend Drive. |
| **Cost** | $45,360 |
| **City Manager Recommendation** | Recommend approval. This project will address some of the flooding issues along Indian Hills Drive. |
| **Action Taken** | |
| **Requested by** | Cameron Cutler |
| **File Attachments** | Indian Hills SD Scope of Work.pdf |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | The area in the vicinity of Shadow Creek Townhomes, Riverwood, and Whisper Ridge along Indian Hills Drive continues to experience drainage problems. This project, once constructed, would improve the drainage in this area. Bowen Collins completed the original drainage study for this area in 2010. |
| **Attachments** | Indian Hills SD Scope of Work.pdf |

**Bowen Collins**
& Associates, Inc.
CONSULTING ENGINEERS

20 North Main, Ste 107
St. George, Utah 84770
Phone: 435.656.3299

July 13, 2015

Mr. Jay Sandberg, P.E.
City Engineer
City of St. George
175 East 200 North
St. George, UT 84770

**Subject: Proposal for the Design of the Indian Hill Storm Drain Improvements Project**

Dear Jay:

In accordance with your request, this letter has been prepared for your review and consideration. Below is a scope of services and an associated fee for Bowen Collins & Associates (BC&A) to provide design services for storm drain improvements in Indian Hills Drive between approximately 1210 West and Hidden Bend Drive.

We propose to complete the following scope of services associated with the design of this project that includes the following features:

- Additional catch basins and storm drain collection facilities at the intersection of 1210 West and Indian Hills Drive.
- Approximately 2,100 linear feet of a new storm drain outfall in Indian Hills Drive that will extend from approximately 590 South to the Santa Clara River near 870 South Circle. Design improvements in this area include a new diversion structure to collect water from an existing 30-inch pipeline and an overflow structure to manage runoff when the existing storm drain in 590 South Road surcharges.
- Modifications to the two (2) drive approaches that enter into the Shadow Creek subdivision.
- Stabilization of the hillside slope to the east of Indian Hills Drive where adjacent to development and the dirt road that drains to the north from the Whisper Ridge development.
- Additional storm drain inlets on Indian Hills Drive to collect water for discharge into the abandoned 30-inch irrigation pipeline between approximately 1240 West and Hidden Bend Drive.
- Outlet and spillway improvements in the existing Whisper Ridge detention basin.

## PROPOSED SCOPE OF SERVICES

The design work we propose to perform for the identified improvements is defined in the following sections.

### Design/Engineering

**Task 1: Progress and Coordination Meetings.** BC&A staff will prepare for and attend a kickoff meeting with St. George City personnel to discuss data needs, project parameters and goals, confirm

project limits and connection points, existing pipeline ownership, potential utility conflicts, and other key aspects of the project. BC&A will also prepare for and attend three additional coordination meetings with the City and meetings at the 50-percent and 90-percent complete design stages. Information regarding the project and other available data obtained during design will be reviewed with St. George City personnel during these meetings.

**Task 2: Field Reconnaissance and Utility Investigations.** Existing digital aerial photography obtained from the conceptual design study will be used for the base mapping of the project. To supplement the information on the digital photographs, a detailed field survey will be completed along the project corridor. The field survey will locate major surface features, known utility locations, depths of pipes at existing manholes, water meters, and will collect topographic information through the corridor, and collect needed information at the terminus point of the project. Multiple temporary benchmarks will be established along the pipeline route for reference and use during construction. BC&A will also complete a records search for existing utility owners to obtain as-built information and will perform field reconnaissance to verify location of utilities and document existing conditions along the project. It is our understanding that the storm drain improvements will be constructed in existing public right-of-way so no easements will be needed for the project.

**Task 3: Final Design.** BC&A staff will prepare final design drawings and technical specifications for the Indian Hills Storm Drain Improvements Project. We will use St. George City's current general conditions, bidding, and contract legal documents. We also propose to use St. George City's standard drawings, details, and technical specifications. We will provide additional special provisions, drawings, and specifications where needed. Our cost estimate has been prepared assuming the following 20 drawings will be prepared:

| Sheet No. | Drawings |
|---|---|
| G-1 | Title Page, Project Location, & Vicinity Map |
| G-2 | Abbreviations |
| G-3 | General Notes & Symbols |
| G-4 | Index to Dwg, Pothole Info, & Surveying |
| C-1 | Plan & Profile - 1 |
| C-2 | Plan & Profile - 2 |
| C-3 | Plan & Profile - 3 |
| C-4 | 1210 West and Indian Hills Drive Intersection - Site Plan |
| C-5 | Shadow Creek Subdivision - Site Plan |
| C-6 | Riverwood Subdivision - Site Plan |
| C-7 | Whisper Ridge Detention Basin - Site Plan |
| GC-1 | Civil Details - 1 |
| GC-2 | Civil Details - 2 |
| GC-3 | Civil Details - 3 |
| GC-4 | Civil Details - 4 |
| S-1 | 30" Irrigation Line Diversion Structure |
| S-2 | Existing Storm Drain Overflow Structure |
| GS-1 | General Structural Notes |
| GS-2 | Structural Details - 1 |
| GS-3 | Structural Details - 2 |

**Task 4: Contract Documents.** BC&A staff will prepare electronic contract documents (PDF format) for the 50- and 90-percent design submittals, including drawings and specifications for review. After receiving review comments, we will prepare electronic contract documents, including legal documents, general conditions, technical specifications, and drawings for the project. Up to ten hard copies of the final plans and specifications will be delivered to St. George City for review, construction, and contracting.

**Task 5: Opinion of Probable Construction Cost.** BC&A staff will prepare an opinion of probable construction cost (OPCC) for the project. This OPCC will be set up to help determine phasing for the construction of the project.

## PROPOSED PROJECT SCHEDULE AND BUDGETARY ASSUMPTION

We propose to complete the design of this project within 14 weeks of receiving a notice to proceed. For budgetary purposes, the following assumptions were made in developing the cost estimate for this project:

1. St. George City will provide copies of any additional GIS utility information in the project corridor.
2. No new hydrologic analyses will be performed as part of the project.
3. All work will be completed within City-owned easements and that we do not have to acquire or prepare easement descriptions.
4. No geotechnical investigation will be required.
5. The City will provide utility potholing services if needed.

## COST SUMMARY

We have tabulated estimated man-hours and costs to complete each task outlined in the previously defined scope of services. As presented in the attached Exhibit, we propose to complete the scope of services for a fee not to exceed $45,360.

We are willing to negotiate the scope of work, schedule, and fee if there is something in this proposal that does not meet your needs. We enjoy working with St. George City and are very interested in providing engineering services on this project. We are available to start work immediately. Please call if you have any questions or if you need additional information.

Sincerely,

Bowen, Collins & Associates

Todd Olsen

Todd Olsen, P.E.
Project Manager
Attachments

**St. George City**
**Indian Hills Storm Water Improvements Project**
**Engineering Man-hours and Fee Estimate**

Bowen Collins & Associates, Inc.
CONSULTING ENGINEERS

7/13/2015

| | | | Techs | Engineers | | | Subtotal Hours | Subtotal Labor | Subtotal Expenses | Expenses | | | Total Cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | *Computer* | *Mileage* | *Subcontractor* | |
| | Labor Category | Editor | Tech 4 | Eng | PM | PIC | | | | *$ 7.00* | | | |
| | Staff | MH | BB | AA | TO | CB | | | | | | | |
| | Labor Rate | $66 | $107 | $93 | $112 | $154 | | | | | | | |
| **Task** | **Task Description** | | | | | | | | | | | | |
| **TASK - Design/Engineering** | | | | | | | | | | | | | |
| 1-1 | Progress and Coordination Meetings | 1 | | | 26 | 4 | 31 | $ 3,594 | $ 337 | *$ 217* | *$ 120* | | $ 3,931 |
| 1-2 | Field Reconnaissance and Utility Investigations | | | 8 | 6 | | 14 | $ 1,416 | $ 2,018 | *$ 98* | *$ 20* | *$ 1,900* | $ 3,434 |
| 1-3 | Final Design | 4 | 184 | 23 | 50 | 5 | 266 | $ 28,461 | $ 1,909 | *$ 1,862* | *$ 47* | | $ 30,370 |
| 1-4 | Contract Documents | 20 | | | 28 | 4 | 52 | $ 5,072 | $ 364 | *$ 364* | | | $ 5,436 |
| 1-5 | Opinion of Probable Construction Cost | | 1 | 12 | 6 | 1 | 20 | $ 2,049 | $ 140 | *$ 140* | | | $ 2,189 |
| **TOTAL** | | **25** | **185** | **43** | **116** | **14** | **383** | **$ 40,592** | **$ 4,768** | ***$ 2,681*** | ***$ 187*** | ***$ 1,900*** | **$ 45,360** |
| | | $1,650 | $19,795 | $3,999 | $12,992 | $2,156 | | | | | | | |

Expenses include:
Mileage reimbursement at $0.75/mile
Computer/Communications Charge at $7/labor hour
10% Markup on other project related expenses

DRAFT

Agenda Item Number : 3A

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-22 10:51:16 |
| **Applicant** | Mr. Bruce Cunningham |
| **Quick Title** | Public Hearing, GP Amendment, and Ord From MDR to COM |
| **Subject** | Consider a General Plan Amendment from MDR (Medium Density Residential) to COM (Commercial) on approximately 0.6 acres. The property is generally located at the northwest corner of the intersection of 300 North Street and 500 West Street (involving three lots). |
| **Discussion** | The request is to modify the Land Use Map to COM for three properties. Currently, the property on the west is operating a car repair shop and is nonconforming. A General Plan Amendment and Zone Change would bring the property into conformance. If approved, the remaining properties entitlements would be established with a zone change request. Planning Commission recommends approval. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | General Plan amendment in old part of the City. Planning Commission recommended approval. |
| **Action Taken** | |
| **Requested by** | John Willis |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

# General Plan Amendment

| | |
|---|---|
| PLANNING COMMISSION AGENDA REPORT: | **07/14/2015** |
| CITY COUNCIL SET DATE: | **07/16/2015** |
| CITY COUNCIL MEETING: | **08/06/2015** |

GENERAL PLAN AMENDMENT: PUBLIC HEARING
**Dixie's Camp-R-Go**
Case No. 2015-GPA-005

| | |
|---|---|
| **Request:** | To amend the General Plan from MDR (Medium Density Residential) to COM (Commercial) on approximately 0.6 acres. The property is generally located at the northwest corner of the intersection of 300 North Street and 500 West Street (*involving three lots*). This proposal is to change the General Plan to allow for the future submittal of a zone change to allow development of a project called "Dixie's Camp-R-Go." |
| **Background:** | Typically the General Plan may be amended by a GPA (General Plan Amendment) four (4) times a year (in January, April, July, & October) and this requires a complete application submittal approximately a month in advance (*to allow adequate processing and noticing time*). This application does fit in the required time period. |
| **PSR:** | April 7, 2015 |
| **Property Owner:** | Ms. Nancy Long |
| **Applicant:** | Mr. Bruce Cunningham |
| **Area:** | 0.6 acres |
| **Property:** | The property is generally located at the northwest corner of the intersection of 300 North Street and 500 West Street (*involving three lots*). |
| **Current Zones:** | R2 (Multiple family zone – duplexes) |
| **Current General Plan:** | MDR (Medium Density Residential) |
| **Proposed General Plan:** | COM (Commercial) |
| **Process:** | The Planning Commission is responsible for recommending to the City Council a General Plan for the city, or any amendments to an approved General Plan. The General Plan is a guide for land use decisions and contains various policies to help direct decisions related to land use and development of the city. |

**Narrative:**

The applicant's aim is to propose a modification to the current general plan and to change the zoning to allow operation of a vintage cowboy motel and trailer rental.

The restored vintage trailer rentals would be to tourists visiting southern Utah's National Parks, or an overnight stay in one of five (5) cowboy rooms. The business would utilize trailers from the 1940's through the late 1950'S. The trailer sizes would be approximately 10 to 12 ft. long and 7 ft. wide. The proposed decor in the rooms would be high class country style antiques from the 1850's to the 1950's. *(Also see the applicant's attached narrative*)

**Comments:**

Auto Repair
Next door (to the west) is the existing commercial business Hambleton Auto Service Center. This automotive business is a commercial operation, yet it is located within a MDR land use designation and the zoning is R-2 (multi-family residential / duplex zone). It is an existing non-conforming use. This site should be within a COM land use and have a commercial zoning. This general plan amendment request includes this property to change to COM and the adjacent property owner consents.

Zone Change
If the GPA is approved then a ZC is required.

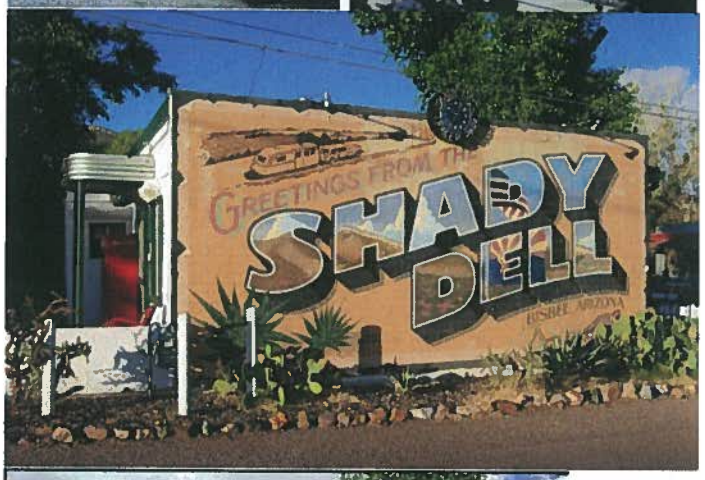
On Site
It is proposed to not only rent out trailers to travel to destinations throughout southern Utah, but to also have five (5) spaces available on site for visitors to spend the night in. No one would bring a trailer to the site; only trailers belonging to the business would be used.

Buildings
The existing building on site would remain. The adobe building would become restrooms and a coffee shop. The larger home would become an office with a manager's quarters.

SPR
If the GPA and a ZC is approved by CC then a SPR (Site Plan Review) application will have to be submitted and a civil engineering plan review will be made by staff.

Similar Project

The applicant shared that there is a similar project in Bisbee Arizona: http://www.theshadydell.com/trailers-rates/el-rey/



Visitor video: https://www.youtube.com/watch?v=6tYxJjyUSfw (2012) (*although an amateur video, you can see what the site looks like)*

**P.C.:** The Planning Commission made a motion recommending approval to the City Council of a GPA (General Plan Amendment).

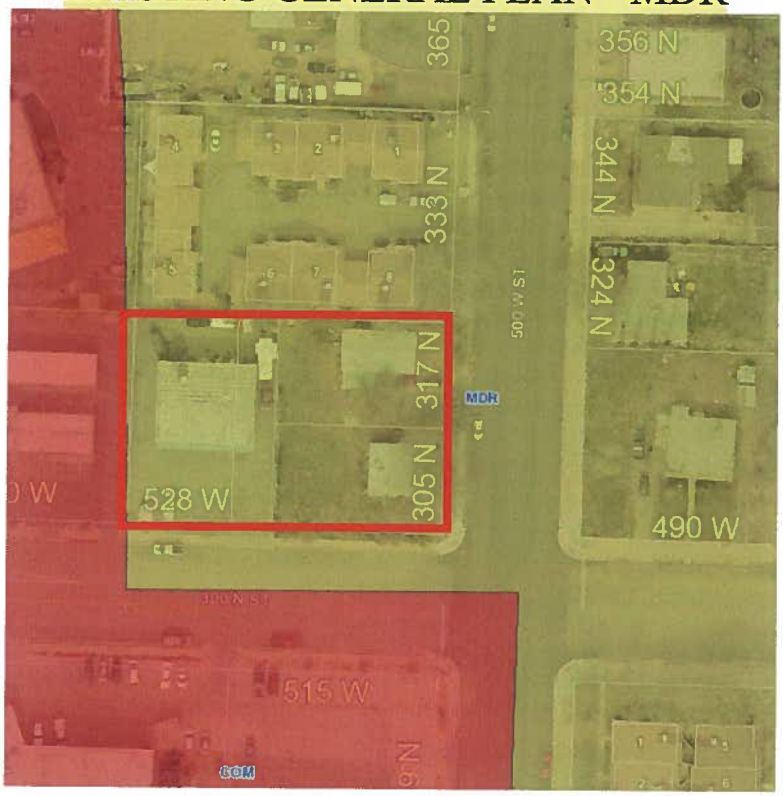
**Motion**
The Planning Commission recommends the City Council:

"Amend the General Plan from MDR (Medium Density Residential) to COM (Commercial) on approximately 0.6 acres. The property is generally located at the northwest corner of the intersection of 300 North Street and 500 West Street (*involving three lots*)."

## AERIAL - VICINITY

## AERIAL

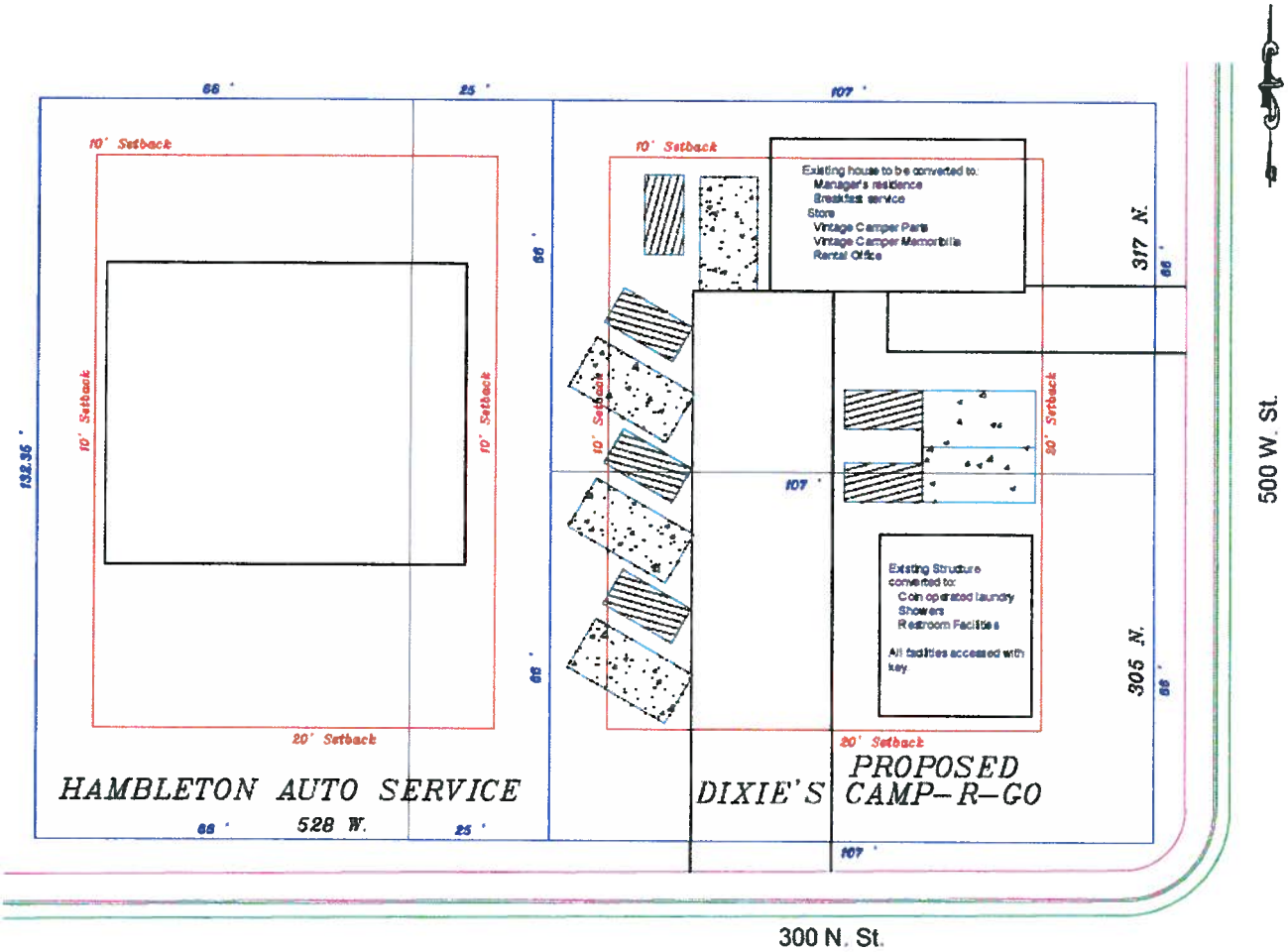
EXISTING GENERAL PLAN - MDR




EXISTING ZONING

# SITE PLAN

*(Proposed – Reference only – not to be approved with a GPA)*




Note: Required setbacks for the C1, C2, & C3 zones are shown (Front = 20 ft., Street Side = 20 ft., Side Yard = 10 ft., & Rear Yard = 10 ft.)

# NARRATIVE

Aim: To propose a modification to the current zonning of the addresses 305/317 NORTH 500 WEST, ST GEORGE, from R2, to a conditional use permit under C2 for a vintage cowboy motel and trailer rental.

Vintage trailer rental to tourists visiting southern Utah's national parks, or an overnight stay in one of five vintage cowboy rooms.

Decor: High class country style antiques from the 1850's through the 1950's

Rooms: FIVE vintage trailers from the 1940's through the late 1950's - 10 to 12 feet long, 7 feet wide.

Restrooms and coffee shop: Small adobe house

Tourist trailer rental: Large house office

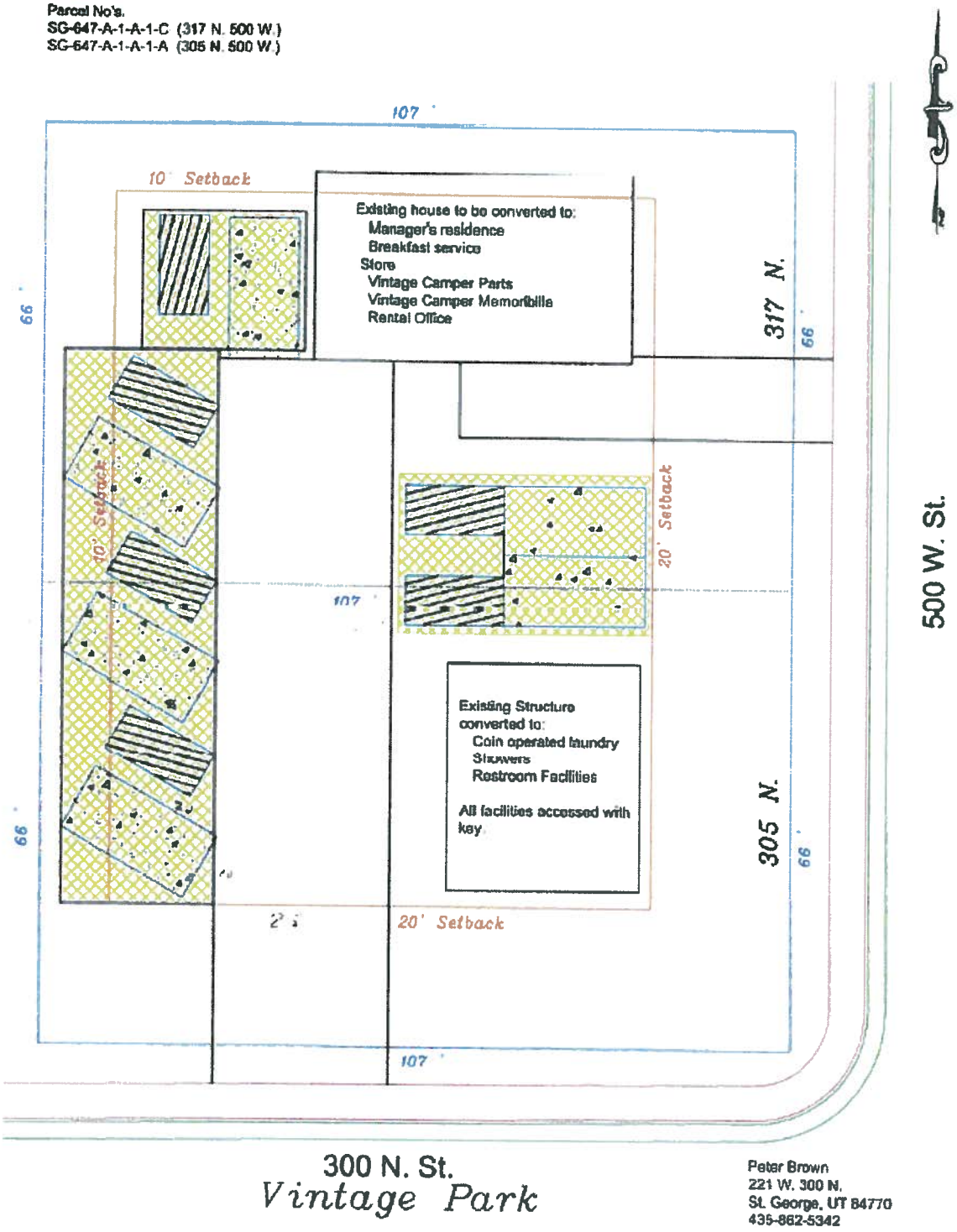
Location is just off of Bluff and ST George Blvd, close to several coffee shops and breakfast bars. Close to the city center, main street and located at the cross roads to old hwy 91, hwy 18, and I-15.

Further, the location serves the traveling public as a unique attraction down memory lane, it provides a draw for tourists during times like the ST George Rodeo, winter games and vacationing to the national parks.

The project would promote a high class vintage beauty, and add some class to a part of town where tire shops and car sales dominate.

# PROPOSAL

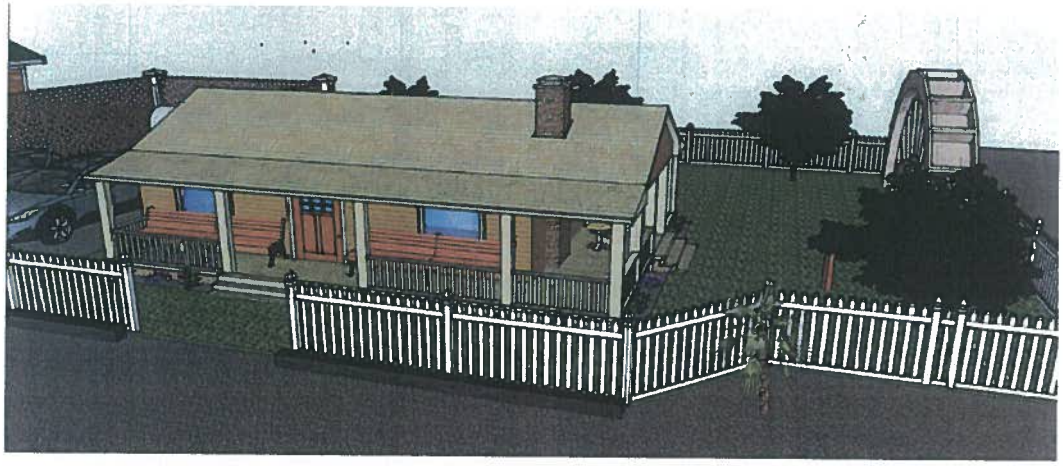
*(Proposed – Reference only – not to be approved with a GPA)*

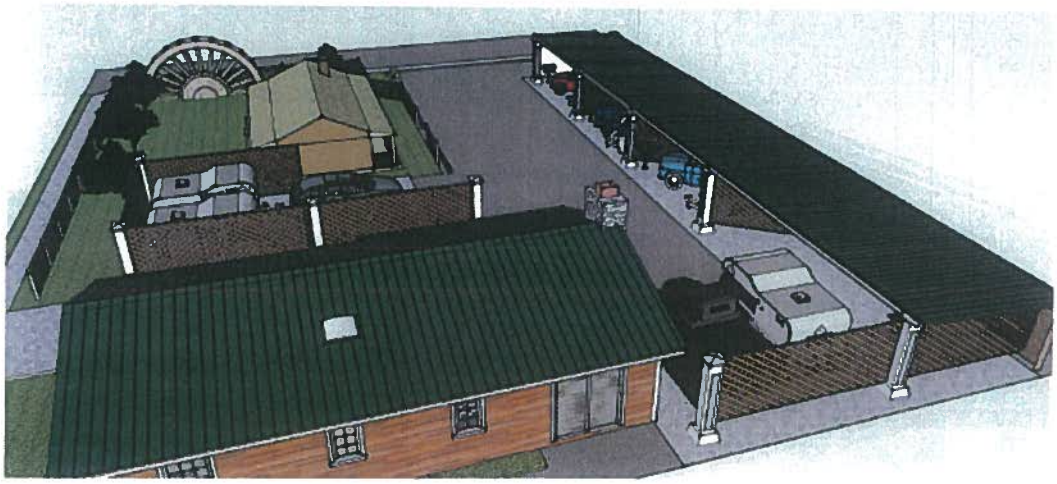



Peter Brown
221 W. 300 N.
St. George, UT 84770
435-862-5342

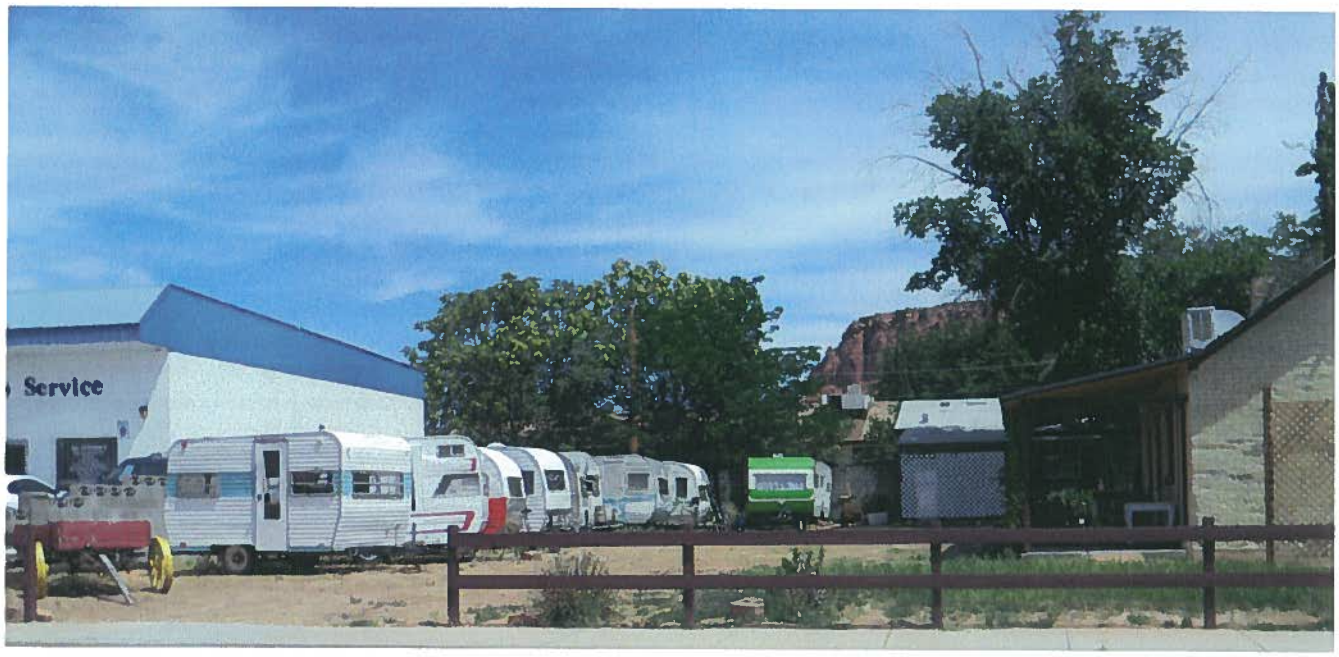
# RENDERINGS

*(Proposed – Reference only – not to be approved with a GPA)*



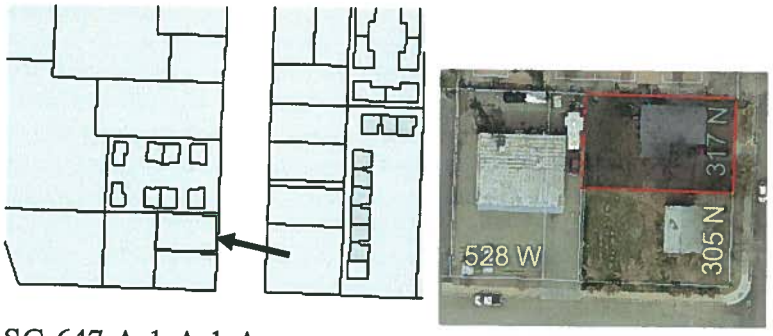


# PHOTOS

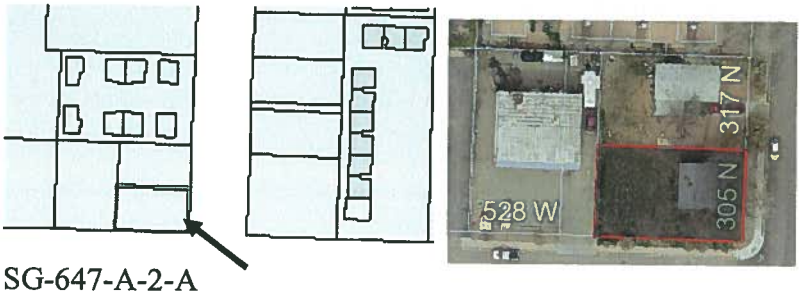


Property Ownership:

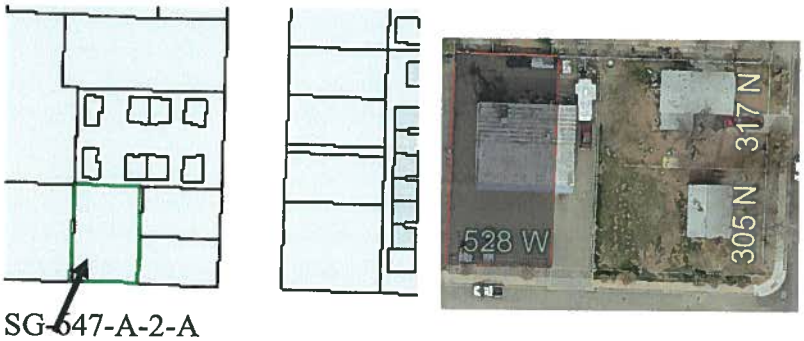
SG-647-A-1-A-1-C
Long Nancy J
0.16 acres



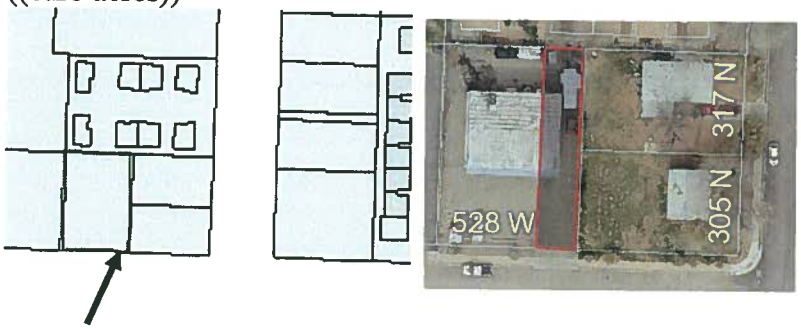

SG-647-A-1-A-1-A
Long Nancy J
0.16 acres




SG-647-A-2-A
IM2 L C
0.28 acres




SG-647-A-2-A
IM2 L C
((0.28 acres))



# APPLICATION

**GENERAL PLAN AMENDMENT**
**APPLICATION & CHECKLIST**

ZONE CHANGE REQUESTS WHICH ARE *NOT CONSISTENT* WITH THE GENERAL PLAN SHALL SUBMIT THIS APPLICATION TO THE COMMUNITY DEVELOPMENT DEPARTMENT

## I. PROPERTY OWNER(S) / APPLICANT & PROPERTY INFORMATION

LEGAL OWNER(S) OF SUBJECT PROPERTY: NANCY A LONG

MAILING ADDRESS: 236 WEST 300 NORTH ST. GEORGE, UT

PHONE: N/A CELL: 1-3853134848 FAX: N/A

APPLICANT: SAME AS ABOVE
(If different than owner)

MAILING ADDRESS:

PHONE: CELL: FAX:

EMAIL ADDRESS(ES): WAGONMISTRESS@GMAIL.COM

CONTACT PERSON / REPRESENTATIVE: BRUCE CUNNINGHAM
(i.e. Developer, Civil Engineer, Architect; if different than owner)

MAILING ADDRESS: 240 N. 2450 E #56

PHONE: 435-817-9837 CELL: 678-294-6067 FAX:

EMAIL ADDRESS(ES): C3@infowest.com

A general description of the property location is as follows: (Give approx. street address, general location etc., and attach a vicinity map or property plat showing the subject property(s) and the surrounding areas.) **Include a 24"x 36" (Arch D – paper size) site plan, highlighting the subject property(s) to be changed, suitable for presentation in public meetings.** SG-647-A-2-A - HAMBLETON AUTO SERVICE, 528 W. 300 N. IS AN EXISTING AUTO SERVICE GARAGE. SG-647-A-1-A-1-C } PROPOSED SITE OF DIXIE'S CAMP-R-GO SG-647-A-1-A-1-A } AT THE NORTH WEST CORNER OF 300 N. 500 W.

**The General Plan Amendment becomes effective on the hearing date if approved by the City Council. General Plan Amendment hearings are held only *four (4) times per year* (typically the 1st meeting of the month). A meeting will be scheduled for a Planning Commission hearing in one of the following months: January, April, July, & October.**

**FOR OFFICE STAFF USE ONLY**

CASE #: 2015-GPA-005 FILING DATE: 6/4/15 RECEIVED BY: RECIEPT #: 1230

***FEE: $500 (Filing fee and 1st acre) + $50.00 per ac for 2-100 ac and $25 per ac 101-500 and $10.00 per ac 501-plus**

## II. ADDITIONAL INFORMATION

Provide the following information: **(Attach additional sheets if necessary)**

1. What is the present zoning on the property? R-2
2. What is the current General Plan designation of the property or area? MDR
3. What is the proposed General Plan designation for the property or area? ~~C-3~~ COM
4. What is the purpose for amending the General Plan? (e.g. describe the proposed project) TO BRING THE WESTERLY LOT INTO ZONING COMPLIANCE AND ALLOW COMMERCIAL DEVELOPMENT ON THE EASTERLY TWO PARCELS
5. How will the proposed project affect adjoining properties? IT WILL BRING 1/2 of the PROPOSED CHANGE INTO CONFORMANCE WITH EXISTING ZONING REQUIREMENTS. AND SHOULD NOT IMPACT ADJOINING USES
6. Total acreage of the proposed General Plan change: 0.6 ACRES
7. Does the subject area/property contain any slopes above 20%, floodplains, or wetlands? If so, please describe: NO
8. Has a Traffic Impact Study or Traffic Analysis been completed to determine any traffic impacts?
   Yes_____ No X
   *IF YES, submit the Traffic Impact Study with the application for review by Traffic Engineering.*
   *IF NO, a Traffic Impact Study (TIS) may be required (if determined necessary at Planning Staff Review) to be submitted with this General Plan amendment application or a later Zone Change application.*
8. Will any Master Planned roads be affected by this General Plan Change? NO
9. Are neighborhood meetings needed to consider the proposed amendment to the General Plan?
   Yes _____ No NO If yes, please explain:

10. Is the necessary utility capacity available (water, power, sewer and drainage) to serve the zone change parcel? Yes X No _____
Please describe the projected demand for utility services: ON THE WESTERN PARCEL THE USE WILL NOT CHANGE FROM THE EXISTING USE. THE EASTERLY TWO LOTS, IT IS PROPOSED TO CREATE A BOTIQUE VINTAGE TRAILER/CAMPER BED & BREAKFAST WITH AN ADJUNCT USE TO SUPPORT THE NIGHTLY STAY

## III. SUBMISSION CHECKLIST FOR GENERAL PLAN AMENDMENT

**(A COMPLETE GENERAL PLAN AMENDMENT APPLICATION MUST BE SUBMITTED A MINIMUM 6 WEEKS PRIOR TO A REGULARLY SCHEDULED PLANNING COMMISSION HEARING IN JANUARY, APRIL, JULY, & OCTOBER)**

Development/Project Name *(if applicable)* DIXIE'S CAMP-R-GO
*(Project name **must be** previously approved by the Washington County Recorder & City Planning Department)*
Developer/Property Owner NANCY A. LONG Phone No. 385-313 4848
Contact Person/Representative BRUCE A. CUNNINGHAM Phone No. 435-817-9837
Licensed Surveyor *(if applicable)* _____ Phone No. _____

## GENERAL PLAN AMENDMENT PROCEDURE

**Step #1** **Meet with Planning Staff Review (PSR) – Meets every Tuesday at 8:30 a.m. Call* Community Development at 627-4206 to be scheduled for this meeting.**
**Note: Call at least one day in advance to schedule.*

**Step #2** **Document Submission Checklist***
***Note: This application will be considered incomplete without the following documents**

- ☒ This General Plan Amendment application form completed and signed by all owners;
- ☒ Appropriate Filing Fee **Filing Fee: $500 (filing fee and 1st acre) + $50.00 per acre for 2-100 acre and $25 per acre 101-500 and $10.00 per acre 501-plus**
- ☒ County ownership plat with the boundary of the proposed general plan amendment outlined;
- ☒ List of property owners within 500' feet and two sets of mailing labels;
- ☒ **Radius Map** of property owners within 500' feet;
- ☒ Site Plan showing the area to be changed highlighted – minimum size 24" x 36" (Arch D);
- ☒ 8-1/2" x 11" reduction of the site plan;
- ☒ **An electronic copy** (CD or E- mail) of the site plan in JPEG, TIFF or PDF format.

## Step #3 Planning Commission and City Council Hearings

Planning Commission public hearings are heard on the 2nd and 4th Tuesday of the month at 5:00 p.m. The application, a site plan highlighting the area of the proposed change, and a County ownership Plat must be complete and submitted at least 6 weeks prior to the hearing. Incomplete or inaccurate applications **will not** be accepted or scheduled. City Council sets a public hearing date after a recommendation for approval from the Planning Commission, and then there is a 14-day advertising period prior to the public hearing. City Council usually meets on the 1st and 3rd Thursdays of the month

**Hearing Dates:**

Planning Commission_____
City Council Set Date_____
City Council Hearing Date_____
Council Action_____

**Filing Fee: $500 (filing fee and 1st acre) + $50.00 per acre for 2-100 acre and $25 per acre 101-500 and $10.00 per acre 501-plus**

## IV. APPLICANT AGREEMENT

We the undersigned applicant(s) _____
(is)(are) the owner(s) _____
or (agent) of the following property(s) and **request the General Plan Amendment change as described above.**

| | |
|---|---|
| Signature | Address: 317 & 311 N. 500 W. |
| Signature | Address: 528 W. 300 N. |
| Signature | Address |
| Signature | Address |
| Signature | Address |
| Signature | Address |

**Attach additional sheets if necessary for additional owners.**

Z:\Common\GP Amendments\GP Application\General Plan Amendment Application_REV-04-30-2009.doc

**ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE CITY GENERAL PLAN LAND USE MAP FOR 0.6 ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 300 NORTH STREET AND 500 WEST STREET AND OWNED BY MS. NANCY LONG**

**WHEREAS**, the applicant / property owner have requested a change to the General Plan Land Use Map for property located at the northwest corner of the intersection of 300 North Street and 500 West Street from MDR (Medium Density Residential) to COM (Commercial); and

**WHEREAS**, the City Council held a public hearing on the requested change to the Land Use Map on August 6, 2015; and

**WHEREAS**, the Planning Commission held a public hearing on July 14, 2015, and

**WHEREAS,** the City Council has determined that a change to the General Plan is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** The General Plan Land Use Map is hereby amended by changing the land use designation from MDR to COM Exhibit 'A' attached.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 6th day of August, 2015.

_____

Jonathan T. Pike, Mayor

ATTEST:

_____

Christina Fernandez, City Recorder

# EXHIBIT "A"

365 N
356 N
354 N
344 N
333 N
324 N
500 W ST
317 N
305 N
560 W
528 W
490 W
300 N ST
515 W
299 N
280 N
N
1:875

3A

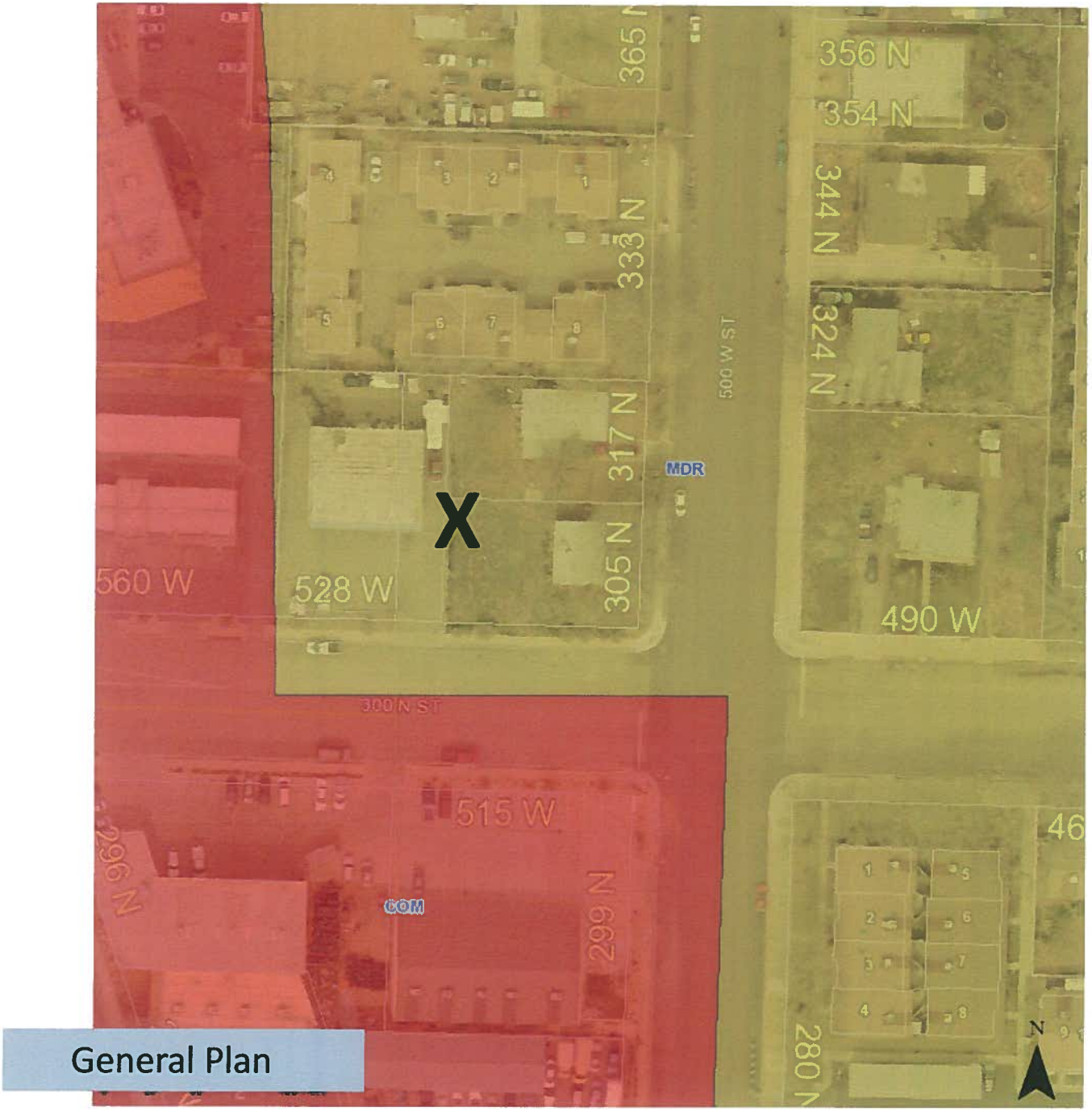
# 2015-GPA-005

# MDR to COM

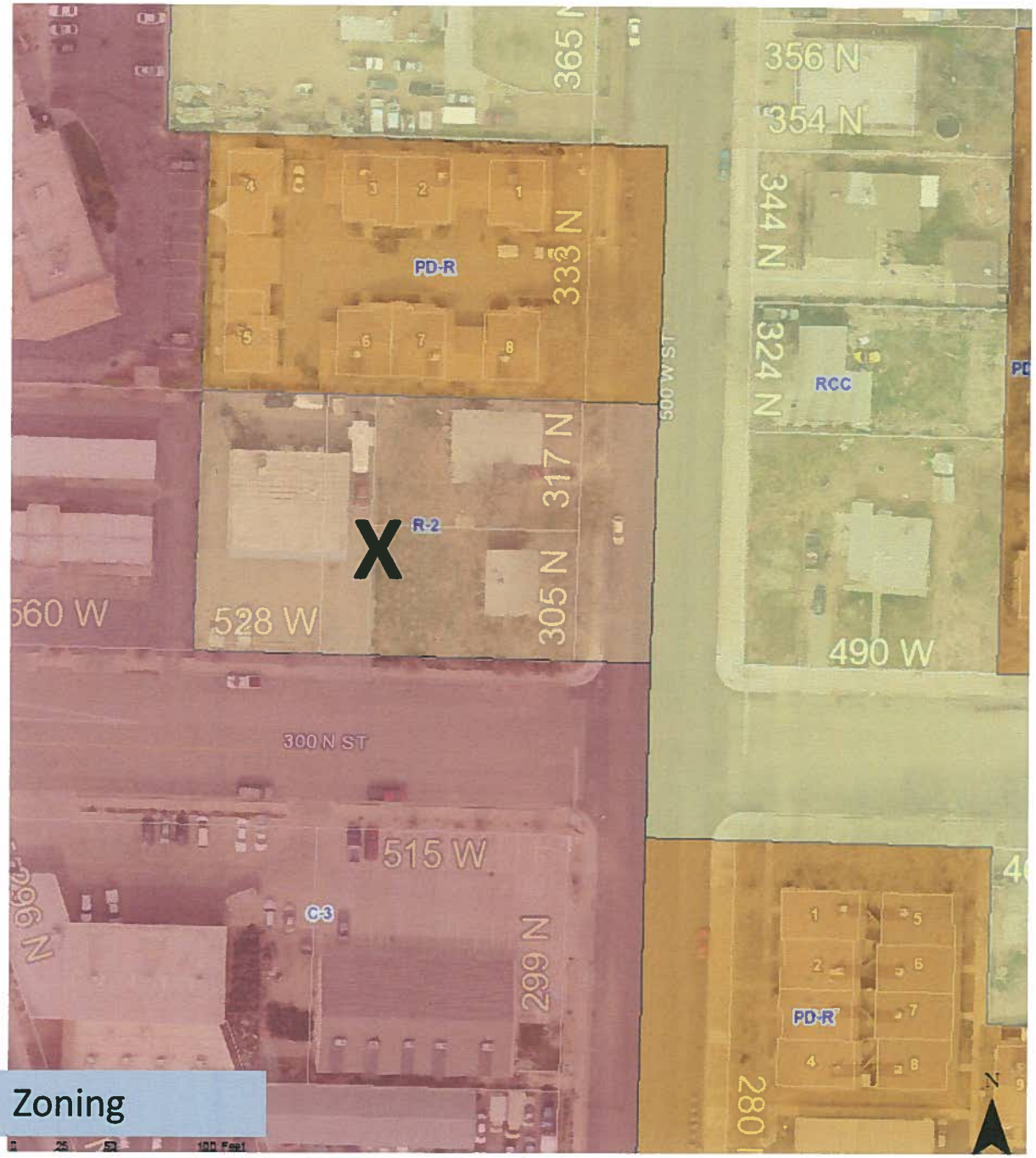
(CAMP RV)

Aerial - Vicinity

Aerial - Site




General Plan


365 N
356 N
354 N
344 N
324 N
333 N
317 N
305 N
PD-R
RCC
R-2
X
500 W ST
560 W
528 W
490 W
300 N ST
515 W
C-3
299 N
PD-R
280
N

Zoning

Service
06.15.2015 10:14

06.15.2015 10:14

OWNERS

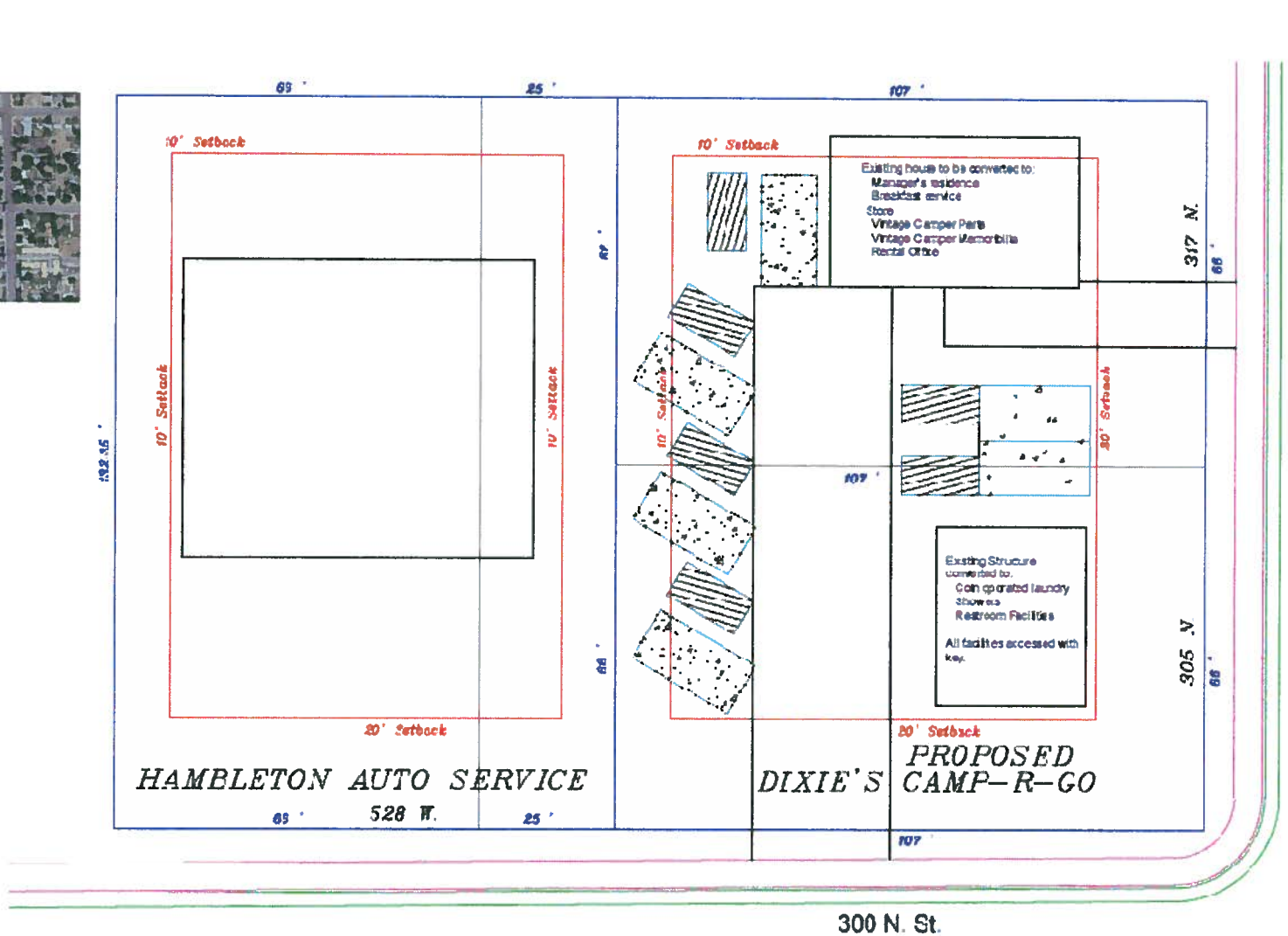
SG-847-A-2-A
M2LC
982 E FACTORY DR.
SAINT GEORGE, UT 84790

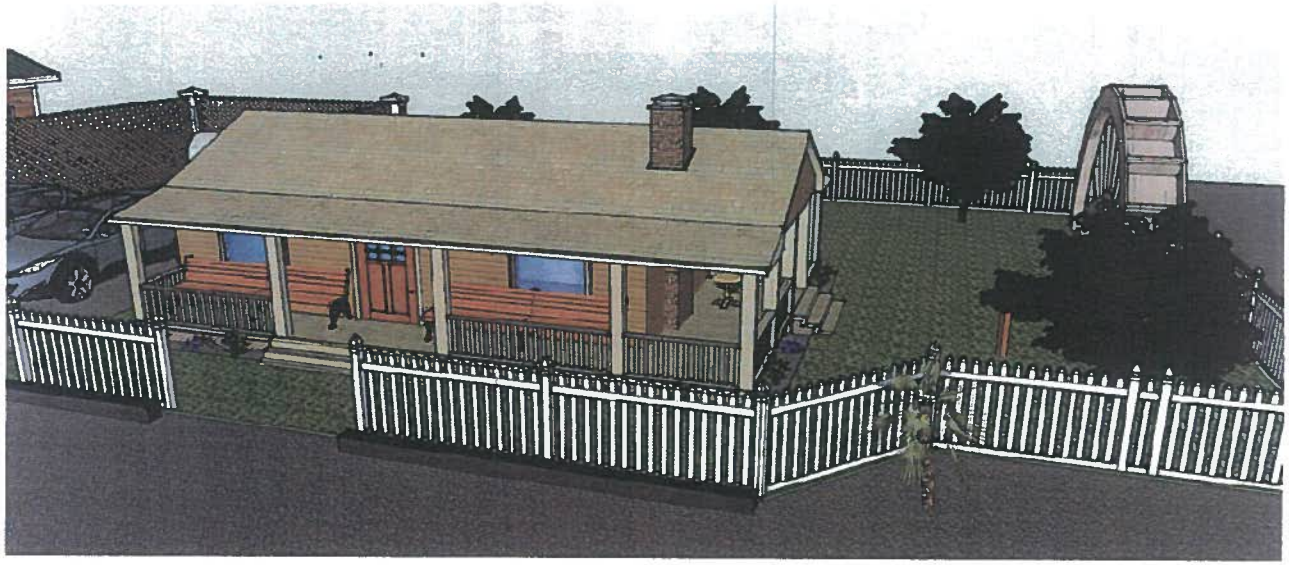
SG-847-A-1-A-1-C
NANCY ALONG
2450 E GRIGGS AVE
SALT LAKE CITY, UT 84109-2544

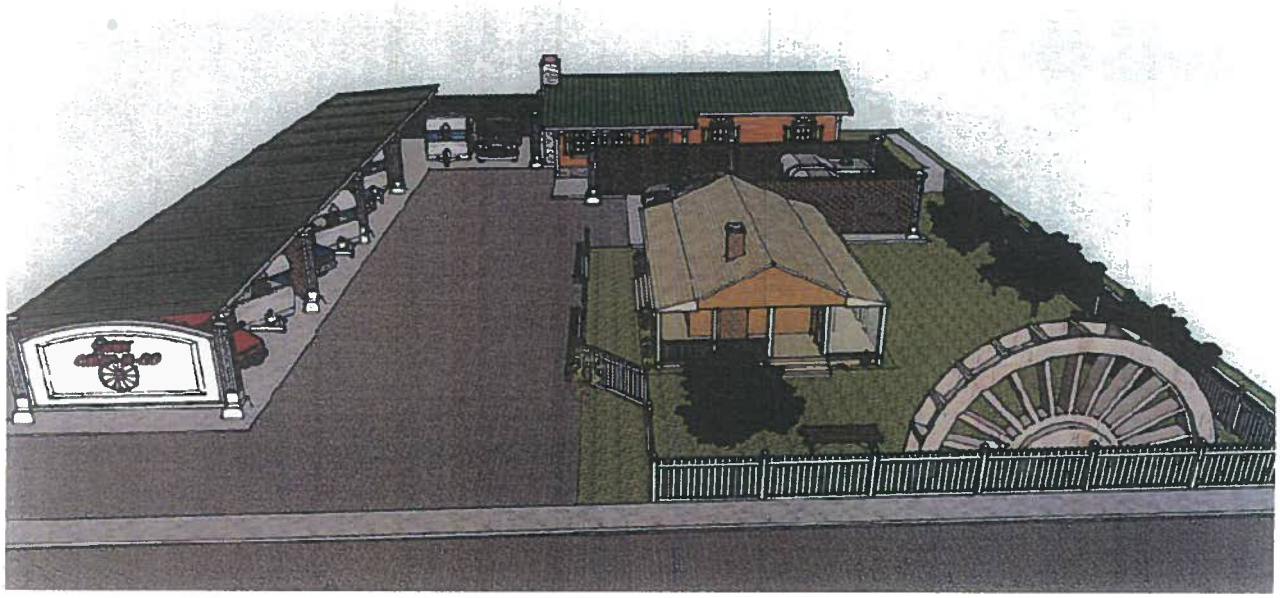
SG-847-A-1-A-1-A
NANCY ALONG
236 W 300 N
SAINT GEORGE, UT 84770

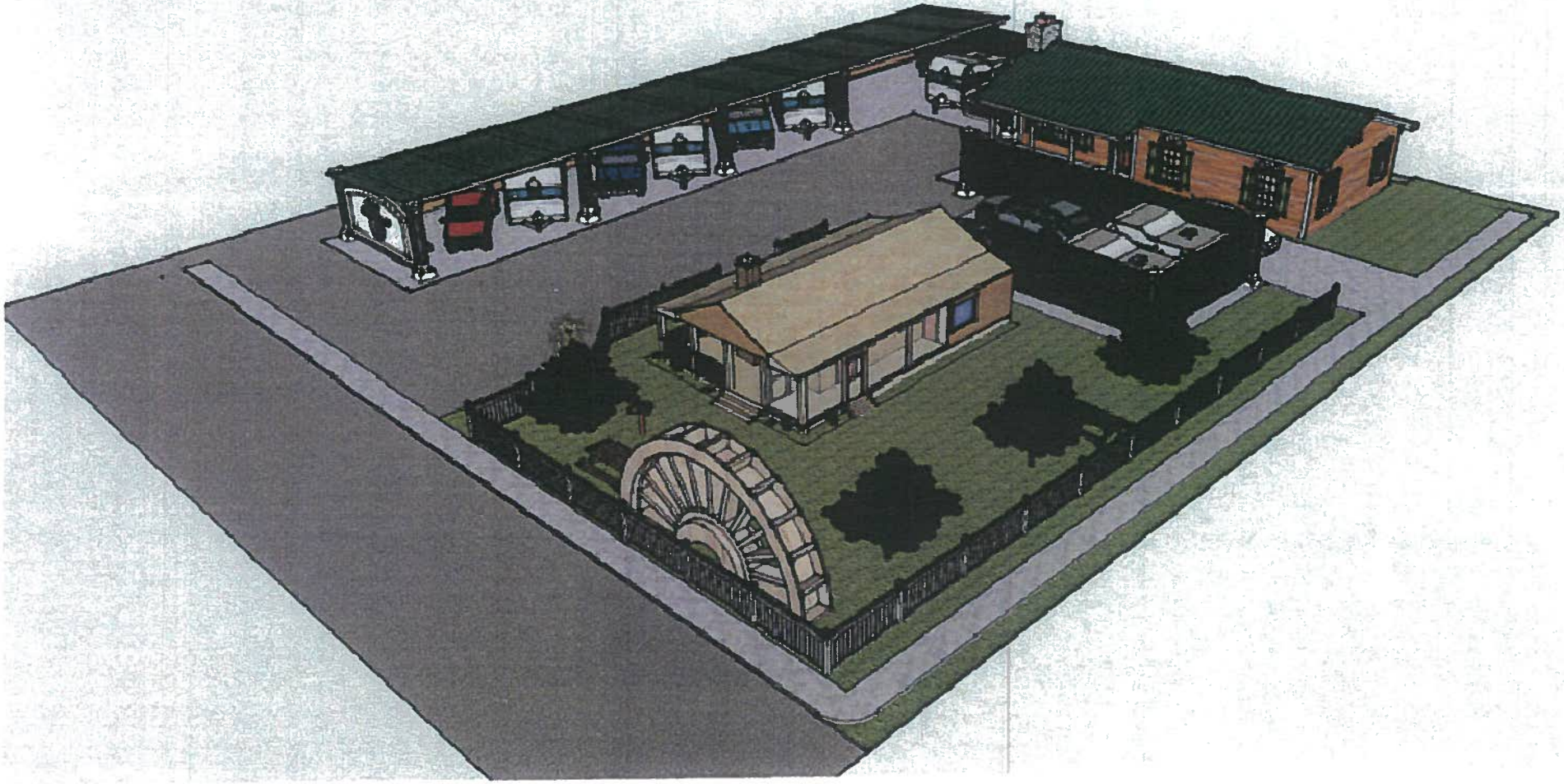
CONTACT PERSON
BRUCE CUNNINGHAM
240 N 2450 E
ST. GEORGE, UT 84770

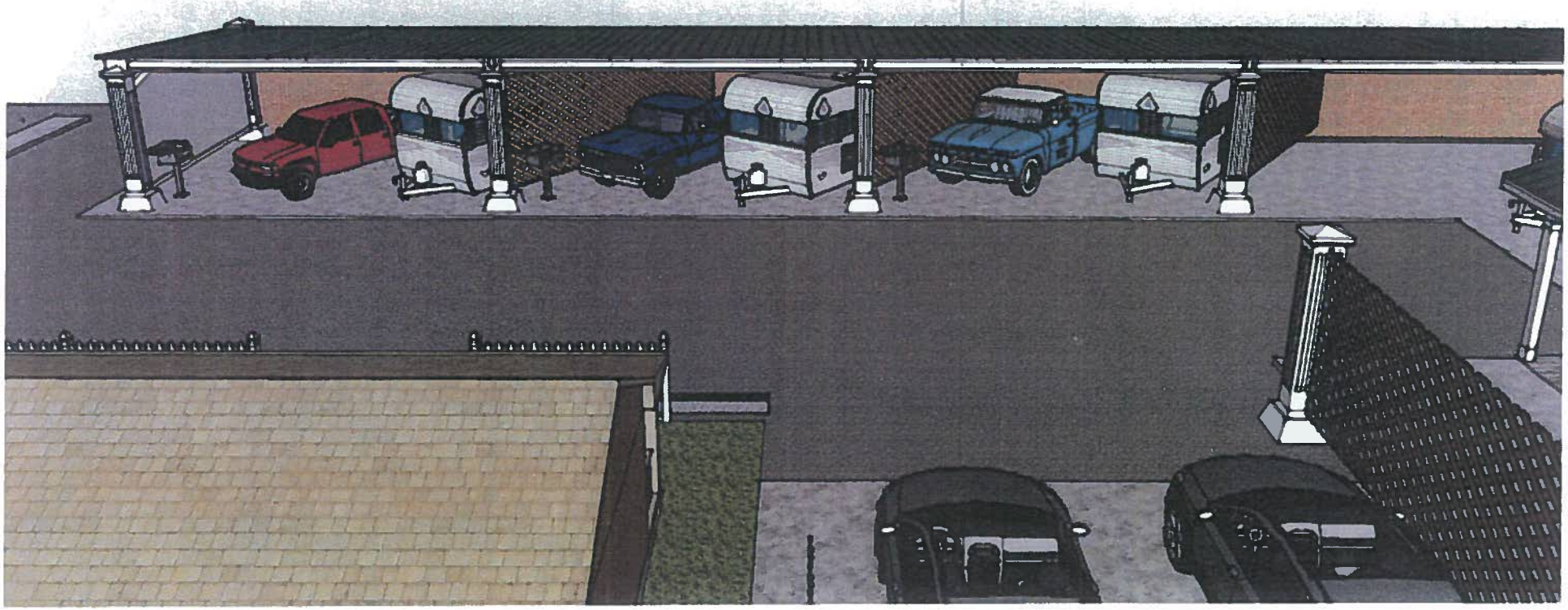
Parcel No's
SG-847-A-1-A-1-C (317 N 500 W.)
SG-847-A-1-A-1-A (305 N 500 W.)
SG-847-A-2-A (528 W 300 N.)











DIXIE
CAMP-R-GO

3A

August 5, 2015

City of St George
175 East 200 North
St. George, UT 84770

RE: City Council Case #2015-GPA-005

I am the President of the HOA of the Sun Valley Condo's which is located about 200 feet East from the proposal of a "Camp RV". In talking with the majority of the owners (25) we strongly oppose allowing a RV camp in this residential area. In addition to be an eye sore which will reduce the value of our residential properties, studies have shown it will increase the crime in the area. Most of these camps result in cheap trailers put in them and then rented out to short term clients who introduce a culture of drugs and crime. This will not be beneficial to the city or the downtown area.

Good planning and appropriate zoning can enhance a downtown area and can bring quality housing and reduce blight. This proposal will do the opposite. Please reject this proposal.

I would be at the hearing but I am out of town on the 6th. I have a degree in city planning from the University of Washington and have served on a number of planning commissions and have been involved in the Real Estate industry for over 50 years. As a retired Real Estate Broker and Educator my experience and education tells me this is not appropriate for this area.

Richard Duce
1256 S 2860 E
St George, UT 84790
623-210-2546

DRAFT

Agenda Item Number : 3B

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-22 10:02:44 |
| **Applicant** | Dennis Garr and Gordon Lyle |
| **Quick Title** | Public Hearing, Zone Change, and Ord From PD-C/R to PD-R |
| **Subject** | Consider a zone change request to rezone 6.04 acres from PD-C/R (Planned Development Commercial/Residential - Mixed Use) to PD-R (Planned Development Residential) to accommodate a townhouse development project consisting of (14) dwelling structures with 54 units. The property is generally located at 415 south Dixie Drive, behind the existing building on the property. |
| **Discussion** | The applicant is proposing a townhouse project located behind the existing warehouse. The General Plan was approved to accommodate MDR and the request is consistent. PC spent considerable amount of time on the application. Most of the concerns were regarding the emergency access, current traffic conditions, and the additional traffic impact this development may have. The applicant is also requesting an emergency access through Mathis Park. Planning Commission recommends denial. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | This zone change is for a parcel that is located between the old Moore Business Form building and the Mathis Park and was part of the original PD zone for the Sunbrook Ranch development that has not actually started. The neighbors protested due to concerns about traffic increases on Dixie Drive. I believe the capacity on Dixie Drive would handle this project the concern is more about the access from the neighbors street. The Planning recommended denial. |
| **Action Taken** | |
| **Requested by** | John Willis |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

# Zone Change

PLANNING COMMISSION AGENDA REPORT: **06/23/2015**
CITY COUNCIL AGENDA: **08/06/2015**

ZONE CHANGE
**Sunbrook Hollow**
Case No. 2015-ZC-018

| | |
|---|---|
| **Request:** | Consider a zone change from Planned Development Commercial/Residential (Mixed Use) to PD-R (Planned Development Residential) on 6.04 acres to accommodate a townhouse development project consisting of (14) dwelling structures with 54 units. The project is "**Sunbrook Hollow Townhouses.**" |
| **Applicant:** | Mr. Dennis Garr and Gordon Lyle (property owners) |
| **Representative:** | Mr.Dennis Garr |
| **Area:** | 6.04 acres |
| **Address:** | located at 415 South Dixie Drive, behind the existing building on the property. |
| **Current Zone:** | PDR-Com/Res. The project was approved as a senior citizen mixed use development with commercial and residential. |
| **General Plan:** | Medium Density Residential (MDR) 5 to 9 dwelling units per acre. Units for this site could range from 30 to 54 dwelling units. |
| **Project:** | This is aproposal to build 54 units on a 6.04 acre parcel. The townhouses will be two-stories and will consist of thirteen four-unit buildings and one two-unit building. Each unit will have a garage and platted for individual ownership. |
| **Units:** | **54Total Units** |
| **Density:** | 8.9 du/ac. According to PD regulations, density shall conform to the limitations set forth in the General Plan, which is 5 to 9 dwelling units per acre. The applicant is proposing, nearly the highest density allowed under the MDR land use designation. |
| **Parking:** | Off Street Parking Requirements, require two parking spaces per unit, with one being covered and the site is meeting those standards. Each unit will have a one vehicle garage, which complies with the covered parking requirement. In addition, one guest parking space per three units is required. The project requires 126 total parking stales and the site meets the requirement. |

**Landscaping:**

The project will need to comply with the Landscape Ordinance (Ord. 10-25), additionally according to the Planned Development ordinance, 30% of the site must be landscaped and half of the landscaping must be in the form of live vegetation. The applicant is proposing 53.6% of the site in open space, which conforms to the ordinance. Currently, the site has a few trees adjacent to the existing residential on the south, which helps mitigate noise. Those trees should remain or be replaced if removed when completing the private access road. Generally, the trees are located between the existing parking lot and the residential to the south. Staff is recommending additional trees be provided along the length of the private street and adjacent to the residential properties if no trees currently exist. Additional trees will help mitigate the increase in traffic being generated with the development. The applicant is proposing additional trees along the exterior of the project.

**Recreational Area:**

As per Ord. 10-8-5(K), (1,000 sq. ft. for the first 5 units and 200 sq. ft. for every unit after the first five) the applicant is required to provide at least 0.25acres (10,800sq. ft.) of designated recreational space.The applicant is proposing to provide 10,806 sq. ft. of recreational space. The main recreation area will have a swimming pool. Other recreation areas are required to be in the form of a playground or useable green space.

**Narrative:**

A written text was provided in compliance with Ord. 10-8-4 (see attached).

**Streets:**

The project will be served by a 50' private access easement to the property. The 50' easement will be improved with the City's private street cross section, which includes pavement (28'), curb and gutter on both sides (4'), and sidewalk on one side. In order to reduce conflicts between the commercial and residential traffic, staff recommends the parking lot only have two accesses.

Internal circulation will be in the form of a 30' private drive that will loop around the site. The applicant is requesting an emergency access from the property to Mathis Park. If approved, the access will need to be improved and approved by the Fire, as well as, Parks department. The access would result in losing one parking stale for Mathis Park. The emergency access would have a gate at the property line and a chain at the entrance, in order to ensure the access would remain unobstructed. If the applicant is not able to provide another access, the project will be limited to 50 units.

**Building Heights:**

Buildings will be two-stories and will not exceed thirty five feet (35') in height.

**Staff Comments:**

1. The applicant has submitted a colored site plan, colored elevations and a color materials board as required.

2. Buildings must meet setback and building separation requirements for the PD zone.

3. Building permits for construction must be obtained within eighteen (18) months or property will revert back to the previous zone.

4. Existing trees adjacent to the existing residential on the south should remain. If removed due to the location of the street, they should be replaced.

5. Additional trees be provided along the private street and adjacent to the residential properties where no trees currently exist, in order to mitigate the additional traffic being generated with the development. Trees should be planted at an interval of 30' on center.

6. The emergency access is being requested through Mathis Park, therefore, City Council must approve access through City property. The emergency access must be paved and approved by the Fire, as well as, Parks department. If granted, an agreement or easement will need to be provided and approved by the Legal Department.

7. If City Council does not allow the emergency access, the project will be limited to 50 units as per the fire code.

8. Street should be improved per the City's private street cross section, which includes pavement (28'), curb and gutter on both sides (4'), and sidewalk on one side. In order to reduce conflicts between the commercial and residential traffic, staff recommends the parking lot only have two accesses.

9. Maintain access to the front property owner during construction of the private road.

10. MDR (Medium Density Residential) designation provides a density range of 5 to 9 units per acre, which does not always indicate that 9 units per acre is appropriate for every parcel of land.

The applicant is requesting a PD-R and the City Council has an opportunity to review the site layout, landscaping, as well as, elevations. Planning Commission and City Council made several comments regarding the development and adjacent residential during the General Plan Amendment, as well as, conflicts between commercial and residential traffic. Without the secondary access, the applicant would be limited to 50 units, oppose to the 54 that is being proposed. Maintaining the trees along the private access road will help mitigate traffic noise. The project does meet all PD-R code requirements. Staff recommends approval with the above listed comments.

**PLANNING COMMISSION:** PC spent considerable amount of time on the application. Most of the concerns were regarding the emergency access, current traffic conditions, and the additional traffic impact this development may have. Two motions were made on the application. A motion to approve the project was made and failed with no second. A second motion was made for denial and passed (4-0-1 abstain) **PC recommends denial.**

## John Willis

**From:** Marv Blosch <mbaproperties@gmail.com>
**Sent:** Monday, June 22, 2015 5:35 PM
**To:** John Willis
**Subject:** Sunbrook Ranch & Garr development- 415 S Dixie Drive

John,

I have talked to Dennis and will look at his suggested new road alignment once he provides descriptions, engineering, and current tree locations so we can understand exactly what he is proposing. I am as sensitive as anyone about saving the trees and will do what is reasonable short of 'giving away' more property.

In the meantime, I would like to make the following issues matters or record at tomorrows meeting:

- The Garr group must provide continuous 24 hour 7 day access to my existing tenants
- Access to storm drain and sewer lines need to be provided to my one ac lot next to Dixie Drive in order to avoid digging up DD at a latter time/
- Their access way needs to be built to city specs
- I understand the installation of their access right-a-way will reduce our current number of parking stalls, and place my property into non-conformance resulting in future potential limitations regarding additional tenants; BUT I want to make sure our current businesses will be allowed to continue operations without any restrictions to their licenses or abilty to continue operations. I'm confident that the remaining stalls will handle the current customers until we can add additional stalls.

thank you for your help and representation of these issues at tomorrows meeting,

yours truly,

--

*Marvin A. Blosch*
**801-244-2400**

# Sunbrook Hollow Townhomes
# Proposed Planned Development (PD)
# St. George, Utah

## Zone Change Application Narrative

**General**

It is proposed to change 6.04 acres of property owned by Gordon B. Lyle and Dennis J. Garr to Planned Development (PD). The site is located in the Green Valley area of the city, bounded by Mathis Park on the northeast and southeast, The Villas At Green Valley (PD) on the northwest, Sunbrook Ranch on the southwest and Parkside Estates at Green Valley on the southeast. The site is currently zoned PD and master planned MDR (Medium Density Residential). The project is located at approximately 415 South Dixie Drive behind the old Moore Business Form building, now called Sunbrook Ranch. It is proposed to construct a residential standard street from Dixie Drive to the project site and an emergency access on the northeast portion of the property to Mathis Park. See attached vicinity map for the project location.

**Project Density & Land Use Plan**

The proposed project includes 54 single family attached residential townhome units with a proposed 50 foot drive to access the site, and landscaped open space areas along the southwestern and central portion of the project. The proposed project density is 9 dwelling units/acre. The City Master Plan allows for 5 to 9 units/per acre in the MDR zone. A Land Use Plan and a Colored Site Plan is attached showing the proposed unit layout, streets and landscaped open space areas. The proposed project includes 1.44 acres (23.9%) in privately owned/limited common area, 1.38 acres (22.8%) in driveway and parking area and 3.22 acres (53.3%) of landscaped open space area.

**Applicant Information**

Dennis Garr Construction
Dennis Garr
3456 Mulberry Drive
St. George, Utah 84790

**Building/Unit Sizes & Exterior Elevations**

The proposed 3 bedroom, two (2) story, single family townhomes are 1,370 sq. ft., with single car enclosed garages. Earthtone exterior stucco and roof tile colors with natural stone accents. Proposed exterior Building elevations are shown on the attached building exhibits.

**Building/Unit Separations and Setbacks**

Building setbacks are designed to meet or exceed city zoning requirements for planned developments, with 25-foot building setbacks from public streets, 25 feet minimum separation between buildings, and 20 foot minimum building setbacks from all other property lines.

**Private Recreational Amenities**

The project incorporates landscaped common areas with 3 different amenity areas located on the site. A homeowners association will be established to maintain the landscaping. The association will file separate

Articles of Incorporation, Covenants, Conditions and Restrictions (CC&R's) and Operation and Management Budgets prior to recording the final plat.

**Topography, Soils and Existing Utilities**

Site Topography at 1' contour intervals is shown on the attached Topographic Site Plan. The site generally slopes from north to southeast and onto Mathis Park. A Geotechnical Report will be prepared for this site as well as a drainage report and erosion hazard study (if required). All public utilities are available in the Dixie Drive Street right-of-way as well as some existing utilities running through a portion of the site.

**Drainage & Floodplains**

The existing site generally sheet flows from north to southeast and onto Mathis Park. Hydrology reports will be prepared for the project to accompany detailed site grading and drainage plans. Drainage improvements plans will be submitted and approved by the city staff prior to commencement of grading operations on the site to address the site surface drainage.

**Common Area Landscaping and Privacy Walls**

Landscaping common areas are indicated on the site plan. Landscaping shall consist of areas of sod, shrubberies, trees, decorative stone, boulders and flower beds consistent with those found in the general area.

**Street Lighting and Signage**

Street lights will be installed along all streets in accordance with City Standards. Each building will have decorative entry lighting on the garage and building exteriors. Additional decorative lighting will be provided in the cul-de-sac area at the end of the access road as required for security and safety. Entrance signs will be located on the privacy wall at the entrance into the development.

**Traffic Access**

Access will be provided from Dixie Drive. A St. George City approved cul-de-sac will be provided at the end of access road.

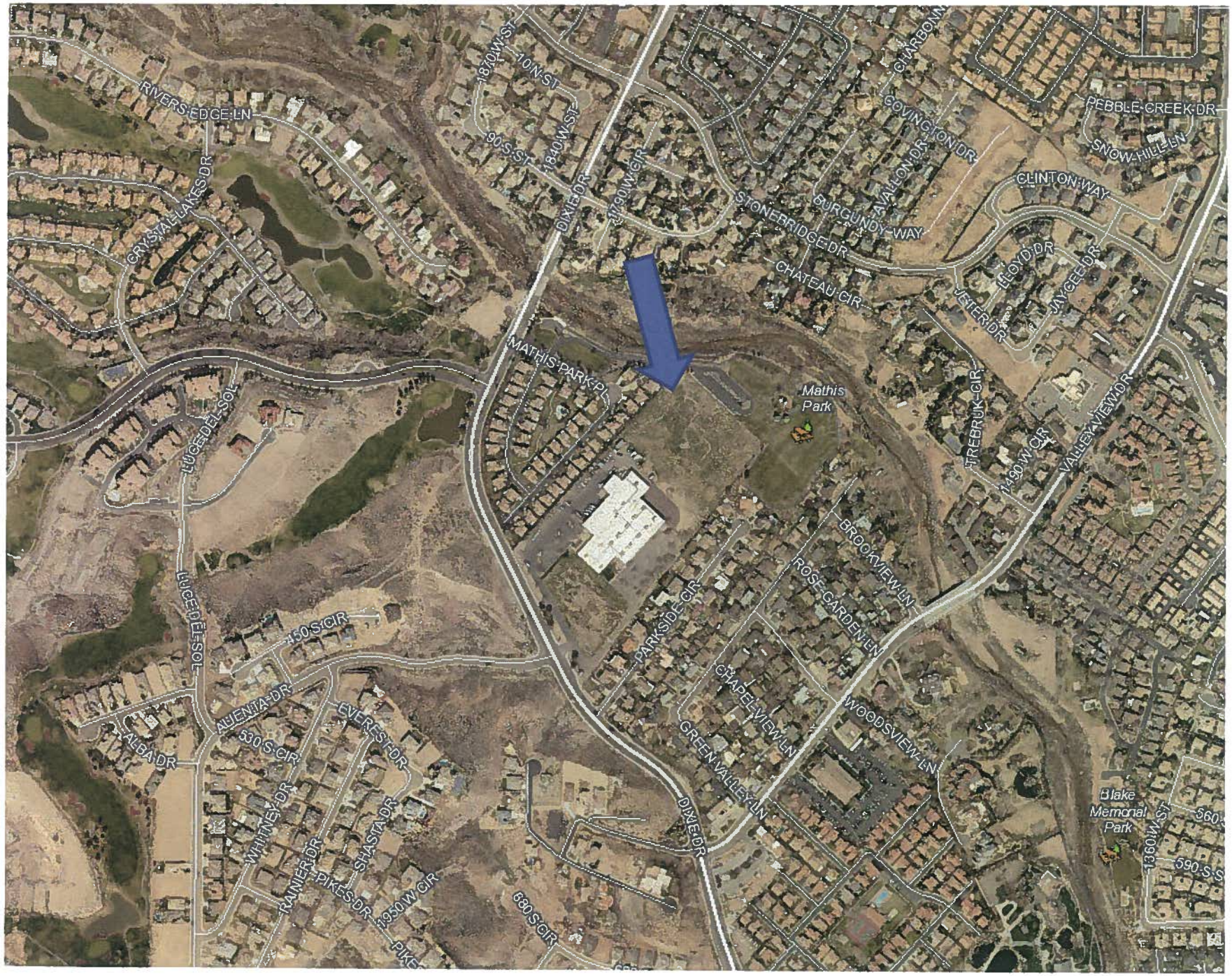
**Summary**

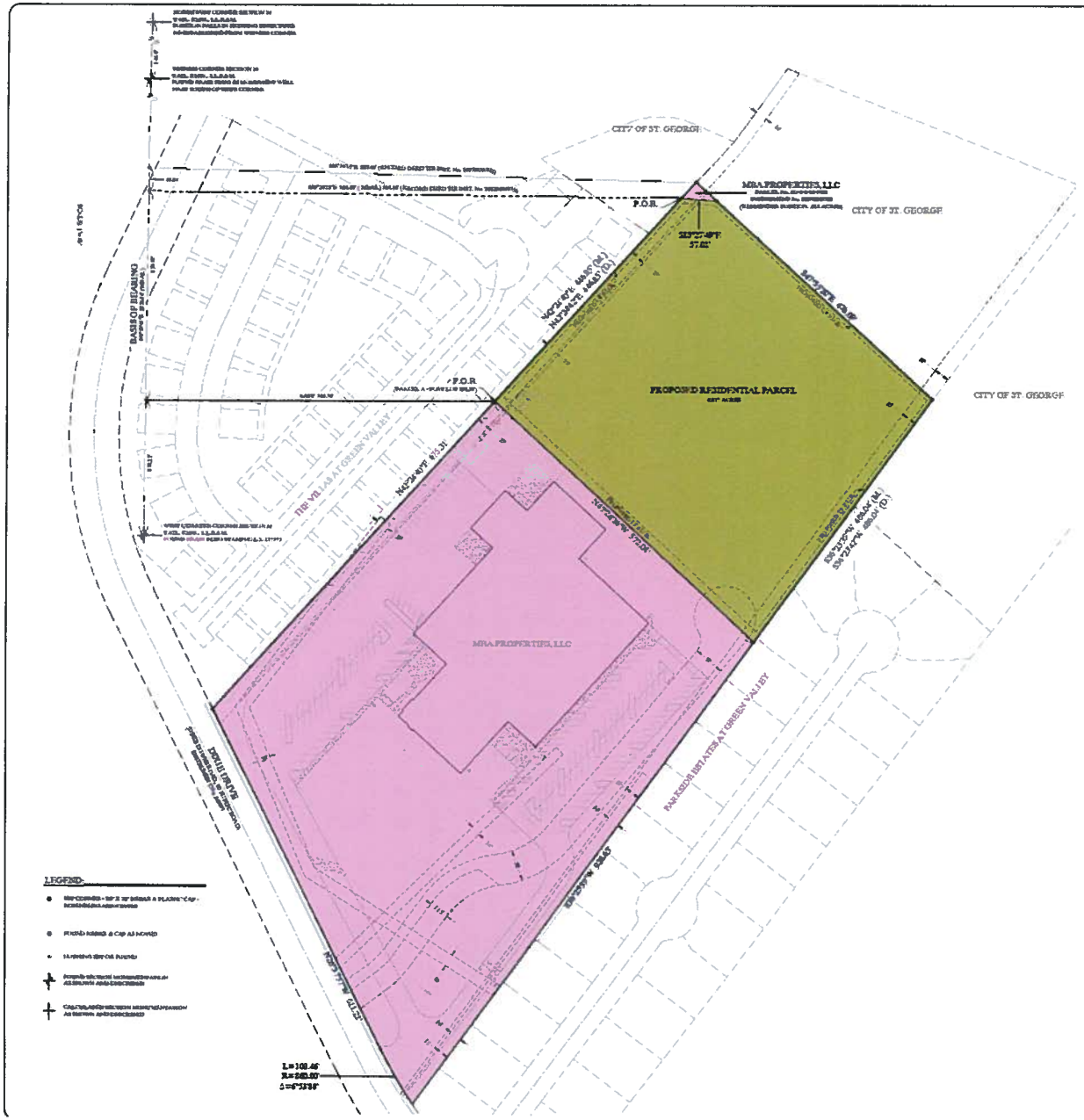
This proposed zone change application is consistent with the general plan.

**Engineer/Land Planner Information**

Rosenberg Associates
Allen M. Hall, Project Manager
352 East Riverside Drive A-2
St. George, Utah 84790
Tel (435) 673-8586
Fax (435) 673-8397

# 2015-ZC-018
# Sunbrook Hollow


RIVERS EDGE LN
CRYSTAL LAKES DR
1870 W ST
10 N ST
90 S ST
1840 W ST
DIXIE DR
1790 W CIR
STONEBRIDGE DR
BURGUNDY WAY
AVALON DR
COVINGTON DR
CHURBONA
PEBBLE CREEK DR
SNOW HILL LN
CLINTON WAY
CHATEAU CIR
JETER DR
HOYD DR
JAYCEE DR
MATHIS PARK PL
Mathis Park
FREEBURK CIR
1490 W CIR
VALLEY VIEW DR
HUGO DEL SOL
BROOKVIEW LN
ROSE GARDEN LN
PARKSIDE CIR
CHAPEL VIEW LN
GREEN VALLEY LN
WOODSVIEW LN
150 S CIR
ALENTA DR
530 S CIR
EVEREST DR
ALBA DR
WHITNEY DR
RANIER DR
SHASTA DR
PIKES DR
1950 W CIR
PIKE
630 S CIR
Blake Memorial Park
1360 W ST
590 S
560



**PARCEL DESCRIPTION:**

MEDIUM DENSITY RESIDENTIAL

BUSINESS PARK

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26
TOWNSHIP 42 SOUTH, RANGE 14 WEST, SALT LAKE BASE AND MERIDIAN

ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS

EXHIBIT DRAWING
FOR
DENNIS GARR
ST GEORGE
UTAH

1

## PROJECT TOTALS

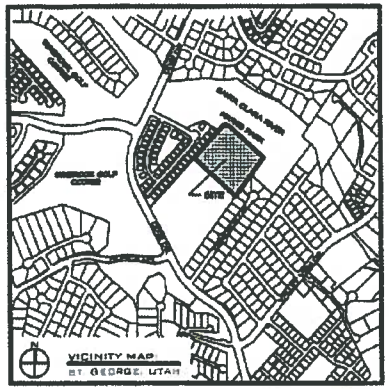
- INDIVIDUAL TOWNHOME UNITS
- PARKING AREA/DRIVEWAY AREA
- OPEN SPACE
- LIMITED ACCESS AREA
- RECREATIONAL/PARK AREAS

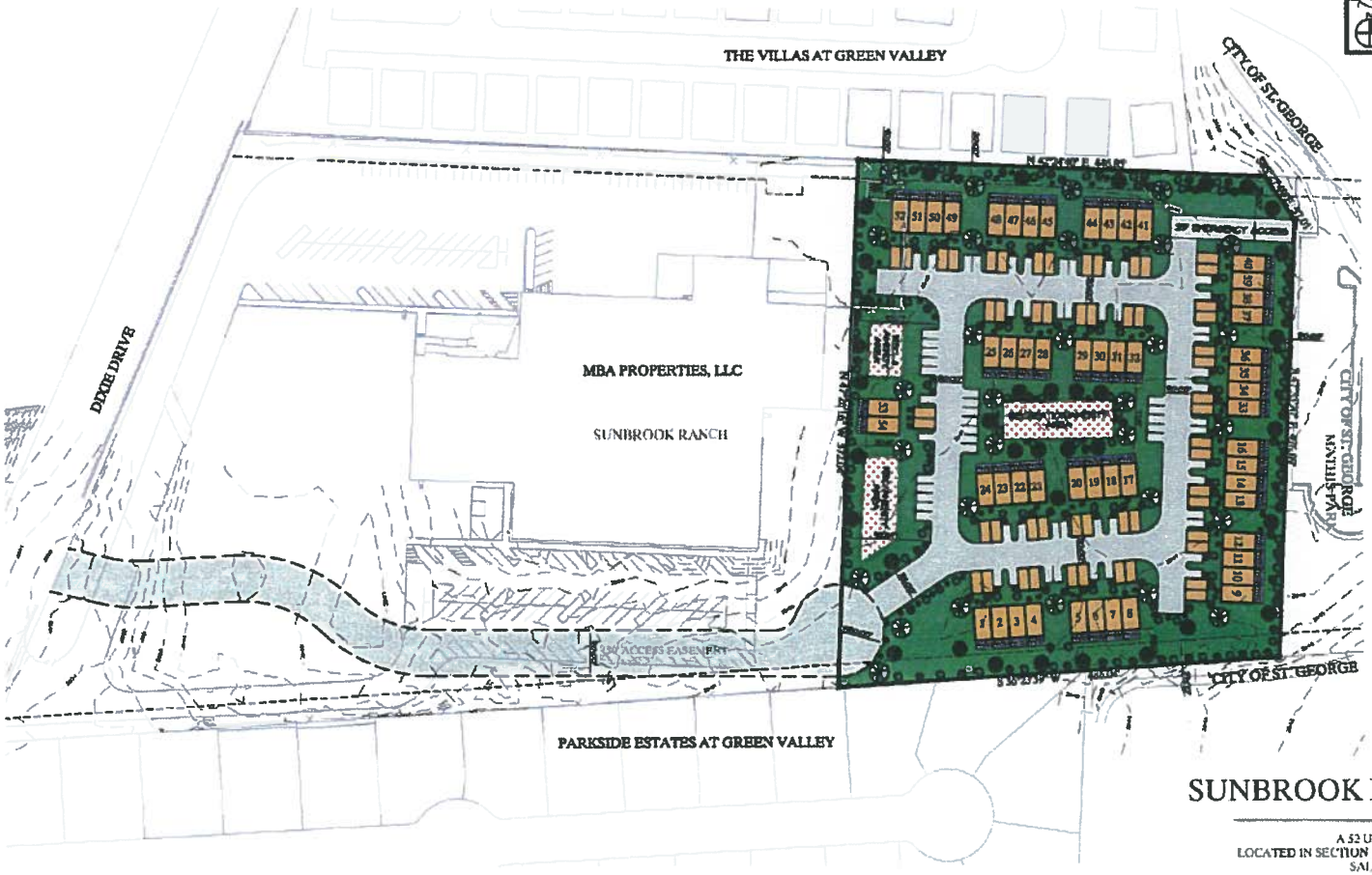
PROJECT ENGINEER

PROJECT OWNER/DEVELOPER

## PROJECT INFORMATION

| | |
|---|---|
| ZONE - PD | |
| TOTAL AREA | 9.04 ACRES 393,870 SQ. FT. |
| PROJECT DENSITY | 5.75 PER ACRE |
| PARCEL NO. | 5S-S-3-26-5401 |



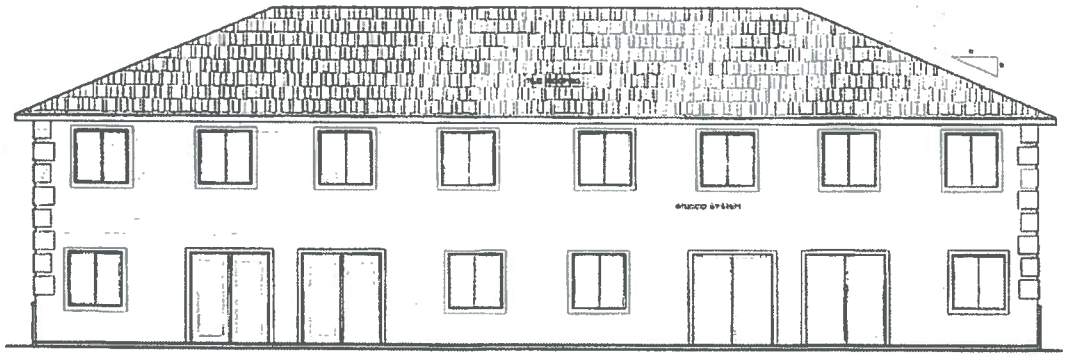

# SITE PLAN
# SUNBROOK HOLLOW TOWNHOMES

A 52 UNIT TOWNHOME DEVELOPMENT
LOCATED IN SECTION 26, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE
SALT LAKE BASE AND MERIDIAN
CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH

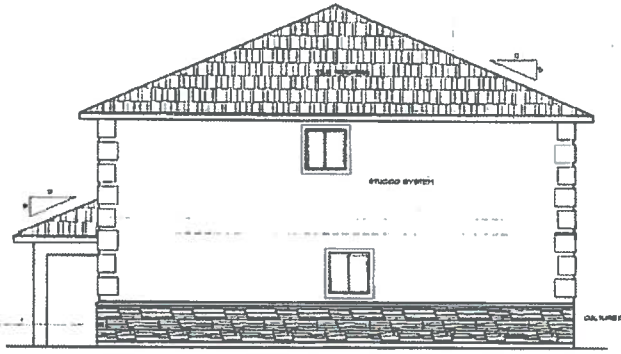
ROSENBERG ASSOCIATES

SITE PLAN FOR SUNBROOK HOLLOW @ MATHIS PARK
ST. GEORGE UTAH

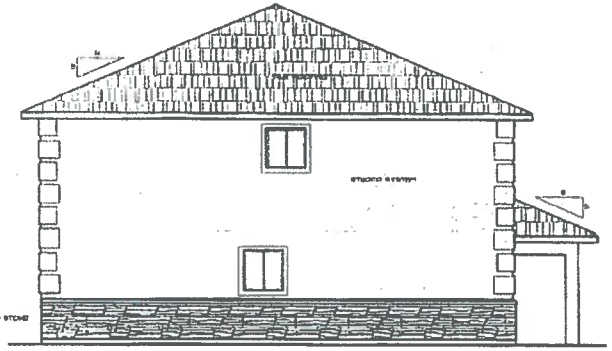
SHEET 1 OF 1 SHEETS




REAR ELEVATION 'B'
SCALE 1/4"




LEFT ELEVATION 'B'
SCALE 1/4"




RIGHT ELEVATION 'B'
SCALE 1/4"

UPPER LEVEL WALLS
SCALE 1/4"

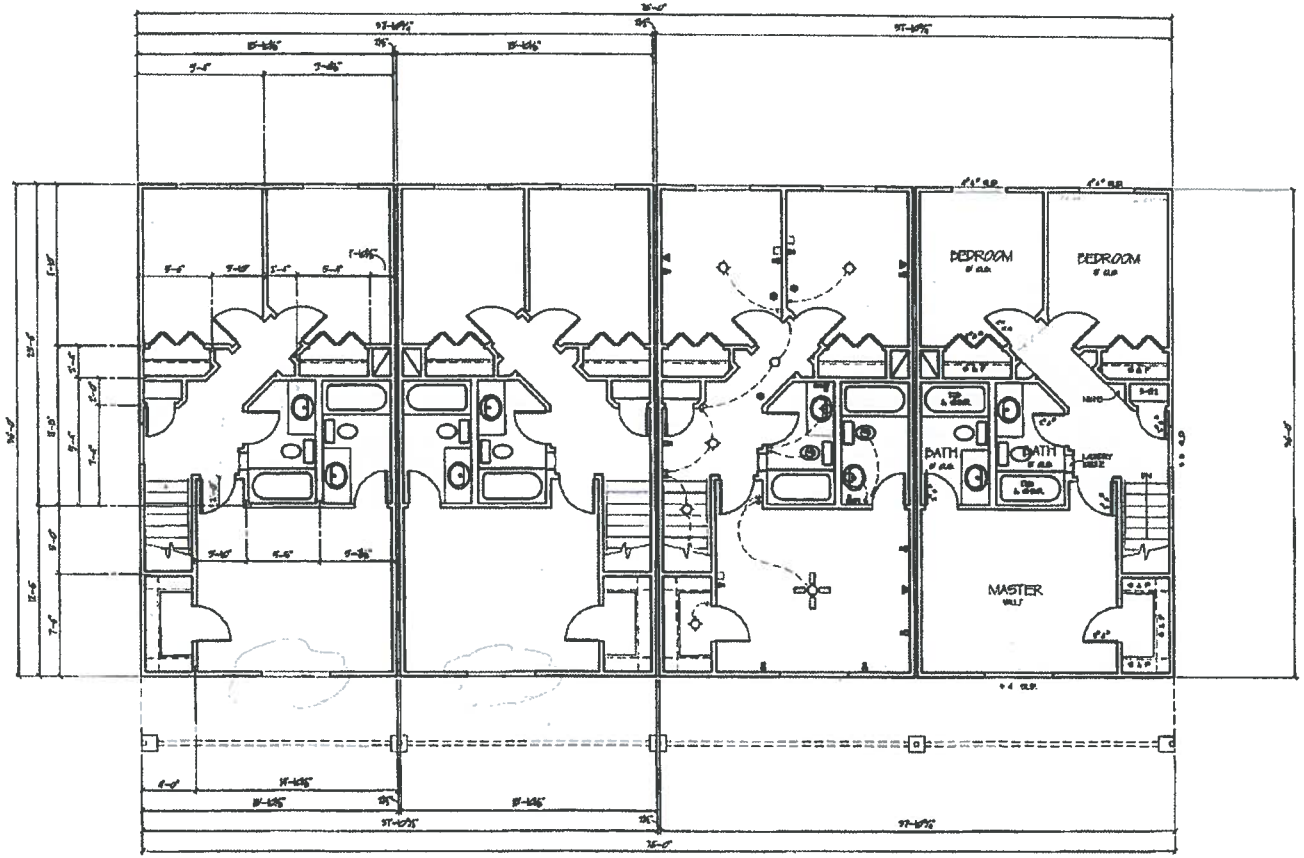
FRONT ELEVATION 'B'
SCALE 1/4"

PLAN 7

SCOTT D. HUGHES
3672 S. MULBERRY DR.
ST. GEORGE, UT 84790
435.674.5550 - 435.680.9012

PARADISE HOME DESIGN

DATE: 1MAY14
SHEET:




UPPER FLOOR PLAN

820 SQ FT / PER UNIT

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

REVISIONS

| DATE | BY | DESCRIPTION |
|---|---|---|

PREPARED FOR:

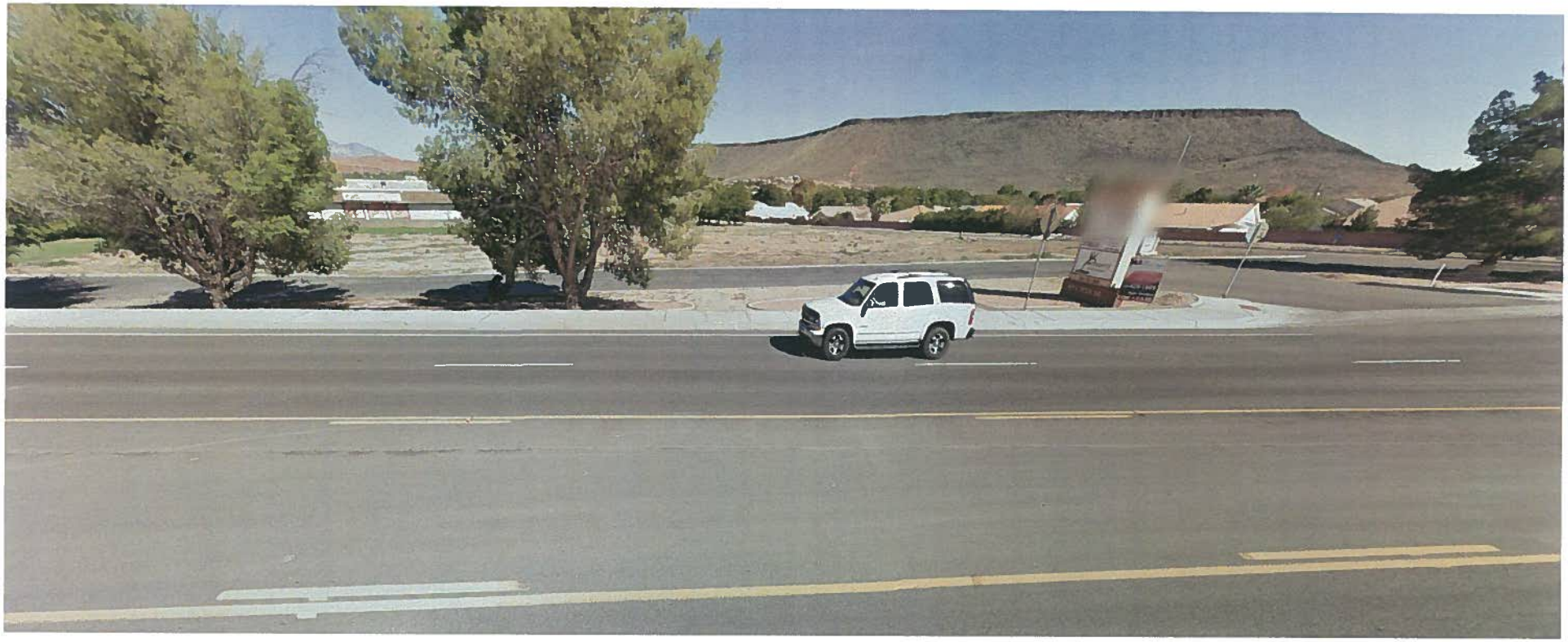
SKYHAWK TOWNHOMES L.L.C.

2-28-2003

NOTED

SKYHAWK TOWNHOMES

4



**PD ZONE CHANGE**
**PLANNED DEVELOPMENT (PD)**
APPLICATION & CHECKLIST

APPLICATION FOR A ZONE CHANGE AS PROVIDED BY THE
CITY OF ST. GEORGE ZONING ORDINANCE
CITY OF ST. GEORGE, UTAH

## I. PROPERTY OWNER(S) / APPLICANT & PROPERTY INFORMATION

LEGAL OWNER(S) OF SUBJECT PROPERTY: Dennis Garr and Gordon Lyle

MAILING ADDRESS: 3456 Mulberry Dr. St George Ut. 84790

PHONE: _____ CELL: 619-1481 FAX: _____

APPLICANT: Dennis Garr
(If different than owner)

MAILING ADDRESS: Same

PHONE: _____ CELL: _____ FAX: _____

EMAIL ADDRESS(ES): _____

CONTACT PERSON / REPRESENTATIVE: Same
(i.e. Developer, Civil Engineer, Architect; if different than owner)

MAILING ADDRESS: _____

PHONE: _____ CELL: _____ FAX: _____

EMAIL ADDRESS(ES): _____

A general description of the property location is as follows: (Give approx. street address, general location etc., and attach a vicinity map or property plat showing the subject property and the surrounding areas.) Include a **colored** site plan and **colored** landscape plan, and **colored** elevation drawings (all four sides) suitable for presentations in public meetings. _____

**The Zone Change becomes effective on the hearing date if approved by the City Council. A PD (Planned Development Residential Zone *is approved for a period of 18 months only* unless building permits have been issued and the project commenced prior to 18 months from the above hearing date.**

**OFFICE STAFF USE ONLY**

CASE #: 2015-ZC-018 FILING DATE: 8/4/15 RECEIVED BY: RS RECIEPT #: _____

***FEE: $500 (Filing fee and 1st acre) + $50.00 per ac for 2-100 ac and $25 per ac 101-500 and $10.00 per ac 501-plus**

ROSENBERG ASSOCIATES™
CIVIL ENGINEERS LAND SURVEYORS

## Sunbrook Hollow Access Easement

Commencing at the West Quarter Corner of Section 26, Township 42 South, Range 16 West, Salt Lake Base and Meridian and running thence North 0°39'40" East 218.12 feet along the Section line; thence East 566.56 feet, thence South 47°26'16" East 39.00 feet to the Point of Beginning and running thence South 47°26'16" East 50.00 feet; thence South 42°24'40" West 691.97 feet to a point of curvature of a 25.00 foot radius curve to the left, thence along said curve 30.13 feet through a central angle of 69°02'37" to a point on the Easterly Right-of-Way Line of Dixie Drive recorded as Entry Number 249075 Official Records of Washington County, Utah; thence North 26°37'57" West 107.08 feet along said Right-of-Way line to a point on a 25.00 foot radius non-tangent curve concave to the North the radius point of which bears North 63°22'03" East, thence along said curve 48.41 feet through a central angle of 110°57'23" to a point of tangency; thence North 42°24'40" East 653.80 feet to the point of beginning.

PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 6/2/2016
4938716
BRANDON E. ANDERSON
STATE OF UTAH

**ORDINANCE NO._____**

**AN ORDINANCE AMENDING THE CITY ZONING MAP BY CHANGING THE ZONE FROM PLANNED DEVELOPMENT COMMERCIAL/RESIDENTIAL TO PD-R ON 6.04 ACRES**

**WHEREAS**, the property owner has requested a zone change on 6.04 acres from Planned Development Commercial/Residential (Mixed Use) to PD-R (Planned Development Residential); and

**WHEREAS,** the City Council held a public hearing on this request on August 6, 2015; and

**WHEREAS**, the Planning Commission held a public hearing on June 23, 2015; and

**WHEREAS,** the City Council has determined that the requested change to the Zoning Map is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** The City Zoning Map is hereby ordered to be changed to reflect the zone change from PD-C/R to PD-R on 6.04 acres generally located at 415 South Dixie Drive more specifically described on the attached property legal description, Exhibit "A".

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 6th day of August, 2015.

_____
Jonathan T. Pike, Mayor

ATTEST:

_____
Christina Fernandez, City Recorder

# Exhibit "A"

ROSENBERG ASSOCIATES™
CIVIL ENGINEERS LAND SURVEYORS

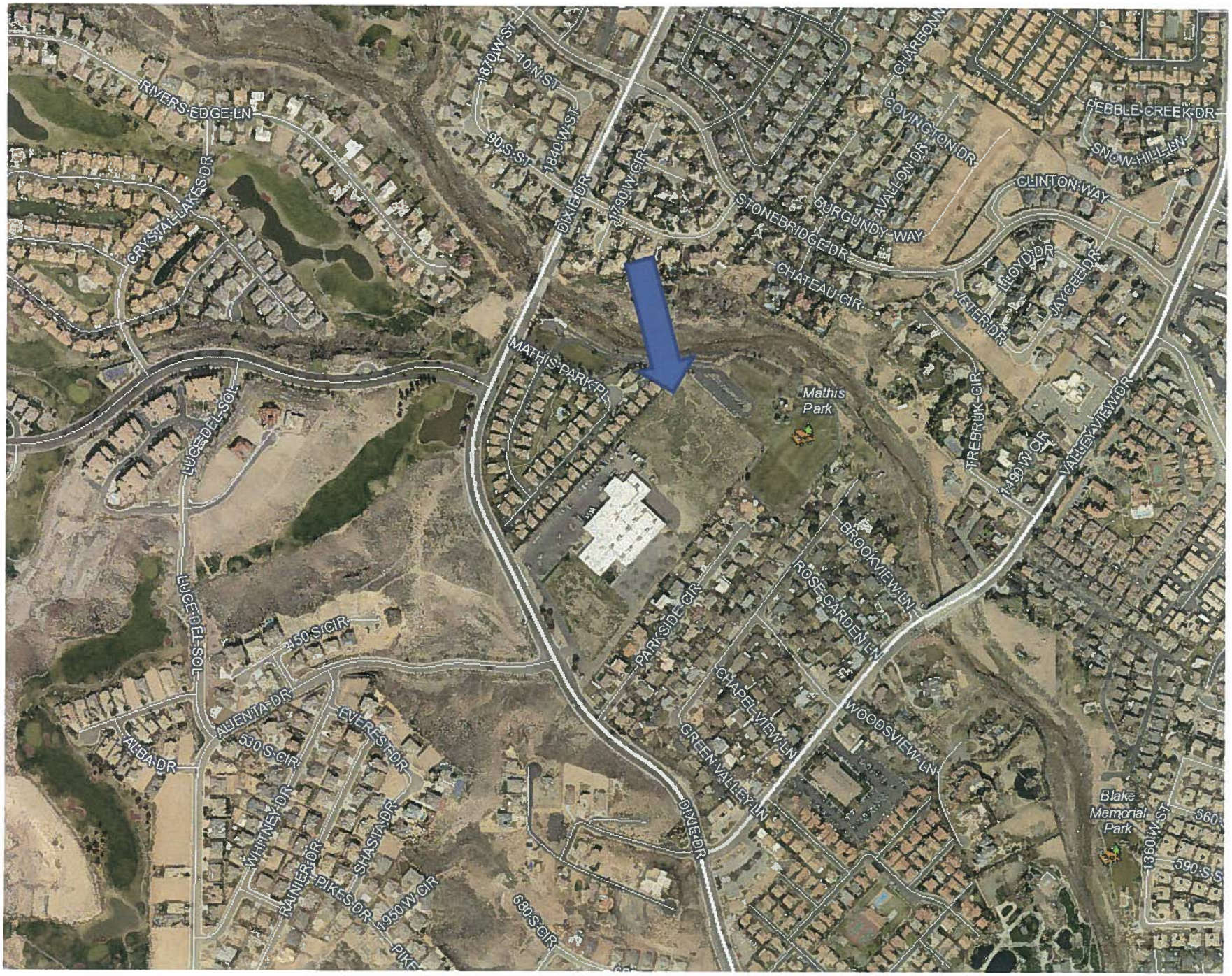
**Sunbrook Hollow Access Easement**

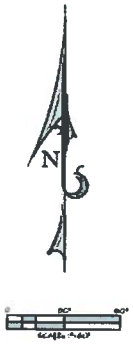
Commencing at the West Quarter Corner of Section 26, Township 42 South, Range 16 West, Salt Lake Base and Meridian and running thence North 0°39'40" East 218.12 feet along the Section line; thence East 566.56 feet, thence South 47°26'16" East 39.00 feet to the Point of Beginning and running thence South 47°26'16" East 50.00 feet; thence South 42°24'40" West 691.97 feet to a point of curvature of a 25.00 foot radius curve to the left, thence along said curve 30.13 feet through a central angle of 69°02'37" to a point on the Easterly Right-of-Way Line of Dixie Drive recorded as Entry Number 249075 Official Records of Washington County, Utah; thence North 26°37'57" West 107.08 feet along said Right-of-Way line to a point on a 25.00 foot radius non-tangent curve concave to the North the radius point of which bears North 63°22'03" East, thence along said curve 48.41 feet through a central angle of 110°57'23" to a point of tangency; thence North 42°24'40" East 653.80 feet to the point of beginning.

PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 6/2/2019
4938716
BRANDON E. ANDERSON
STATE OF UTAH

3B

# 2015-ZC-018
# Sunbrook Hollow


RIVERS EDGE LN
CRYSTAL LAKES DR
1870 W ST
10 N ST
90 S ST
1840 W ST
DIXIE DR
1790 W CIR
STONEBRIDGE DR
BURGUNDY WAY
AVALON DR
COVINGTON DR
CHARBONNEAU
PEBBLE CREEK DR
SNOW HILL LN
CLINTON WAY
CHATEAU CIR
LLOYD DR
JAYCEE DR
VETER DR
MATHIS PARK PL
Mathis Park
TREBRUK CIR
1490 W CIR
VALLEY VIEW DR
LUCE DEL SOL
BROOKVIEW LN
ROSE GARDEN LN
PARKSIDE CIR
150 S CIR
CHAPEL VIEW LN
WOODSVIEW LN
ALBENTA DR
EVEREST DR
530 S CIR
ALBA DR
GREEN VALLEY LN
WHITNEY DR
SHASTA DR
RAINIER DR
PIKES DR
1950 W CIR
680 S CIR
Blake Memorial Park
1380 W ST
560
590 S




PARCEL DESCRIPTION:

[illegible]

Containing [illegible] Square Feet or [illegible] Acres

MEDIUM DENSITY RESIDENTIAL

BUSINESS PARK

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26
TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN

DATE: 3/28/05
ISSUE: 4/21-14-2007
DRAWN BY: AHH
CHECKED BY:
Q.C.: Hair Exists

ROSENBERG ASSOCIATES
CIVIL ENGINEERS · LAND SURVEYORS

# EXHIBIT DRAWING
FOR
DENNIS GARR
ST GEORGE
UTAH

SHEET 1 OF 1 SHEETS

## PROJECT TOTALS

- INDIVIDUAL TOWNHOME UNITS
- PARKING AREA/DRIVEWAY AREA
- OPEN SPACE
- LIMITED GARAGE AREA
- RECREATIONAL/COMMUNITY AREAS

PROJECT ENGINEER

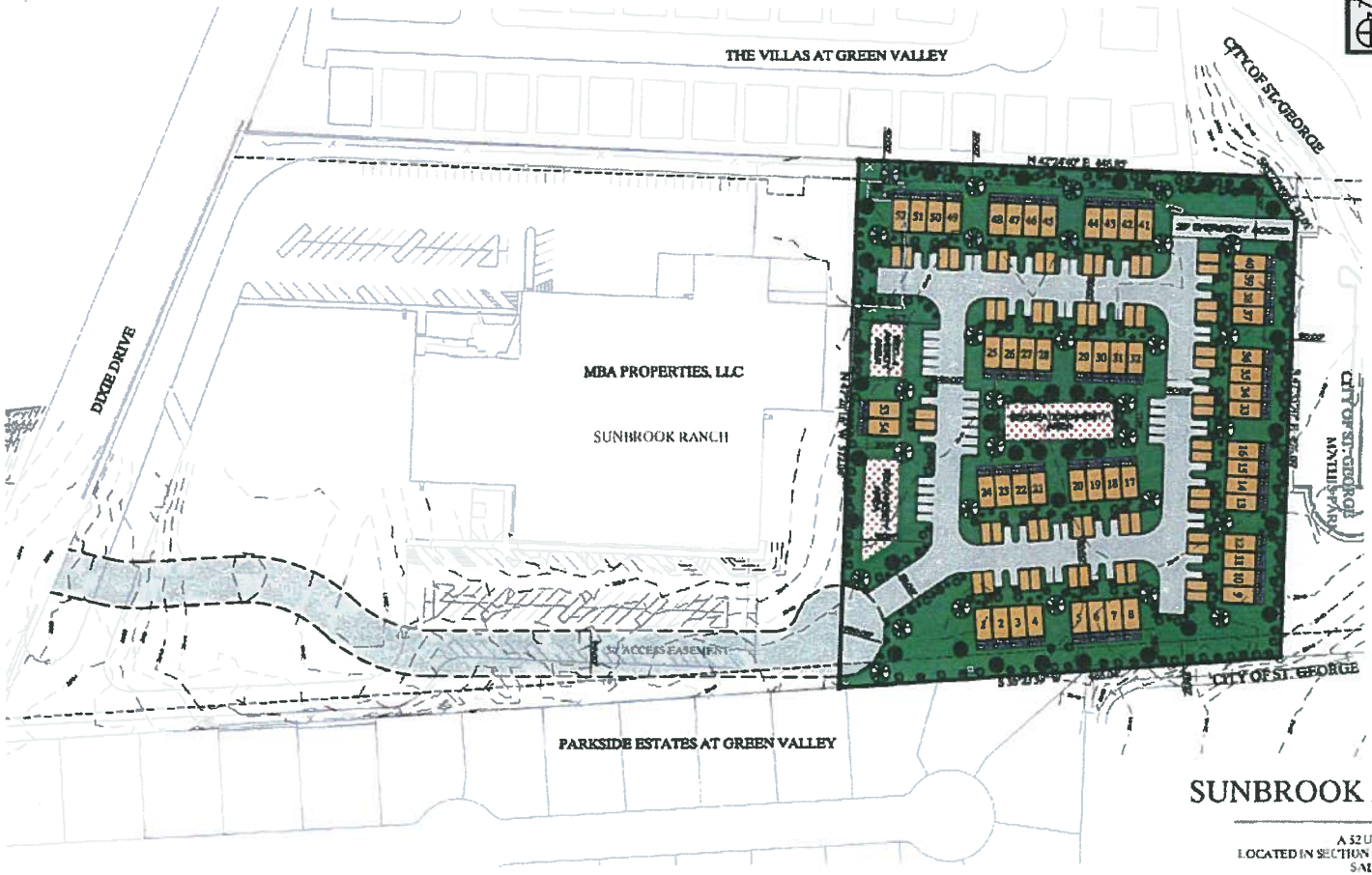
PROJECT OWNER/DEVELOPER

## PROJECT INFORMATION

| | |
|---|---|
| ZONE - PD | |
| TOTAL AREA | 6.04 ACRES 263,010 SQ. FT. |
| PROJECT DENSITY | 9 UNITS PER ACRE |
| PARCEL NO. | 5S-6-2-26-0101 |

SCALE: 1"=50'

VICINITY MAP: ST. GEORGE, UTAH



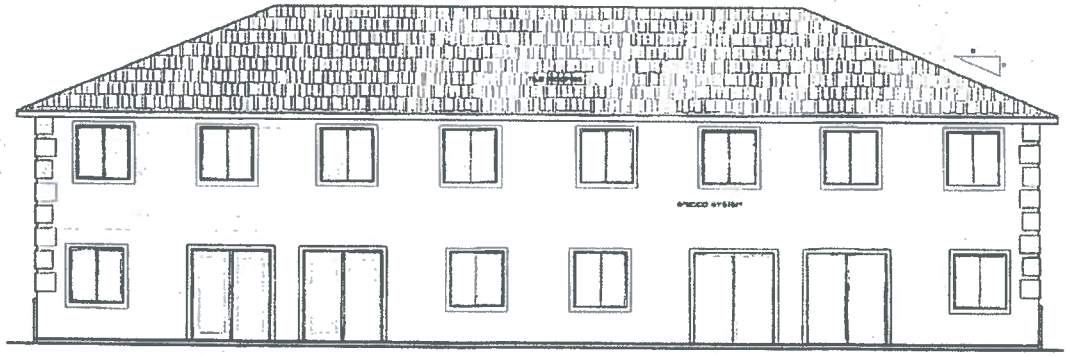

# SITE PLAN
# SUNBROOK HOLLOW TOWNHOMES

A 52 UNIT TOWNHOME DEVELOPMENT
LOCATED IN SECTION 26, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE
SALT LAKE BASE AND MERIDIAN
CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH

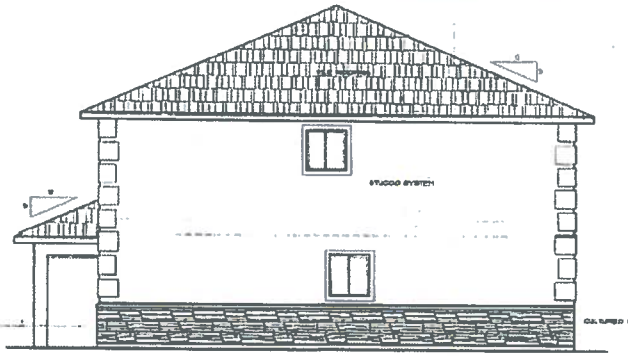
ROSENBERG ASSOCIATES

SITE PLAN FOR SUNBROOK HOLLOW @ MATHIS PARK ST. GEORGE UTAH

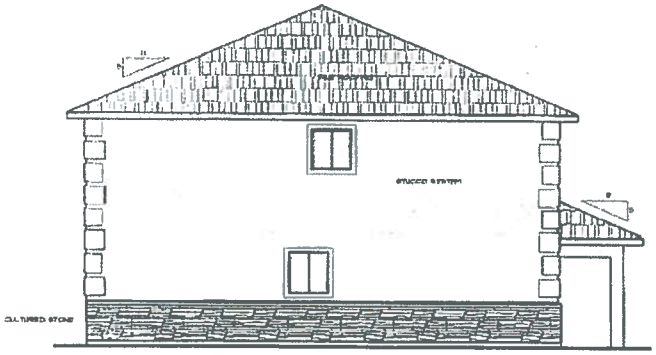
SHEET 1 OF 1 SHEETS




REAR ELEVATION 'B'
SCALE 1/4"

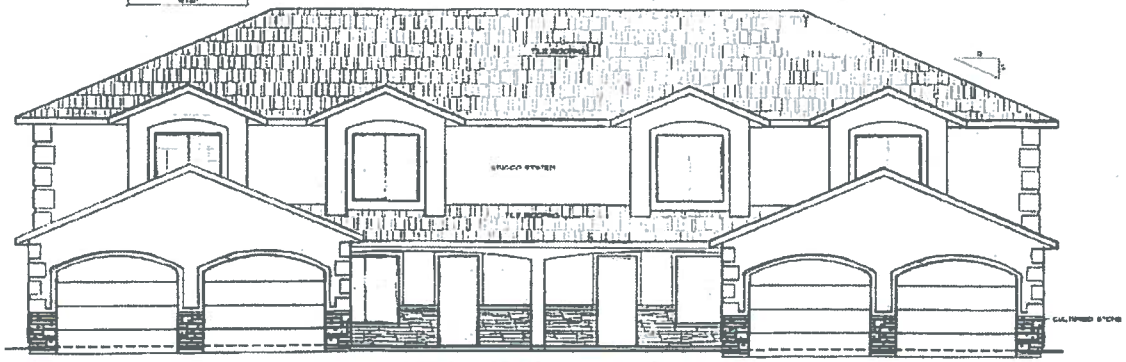



LEFT ELEVATION 'B'
SCALE 1/4"




RIGHT ELEVATION 'B'
SCALE 1/4"

UPPER LEVEL WALLS
SCALE 1/4"



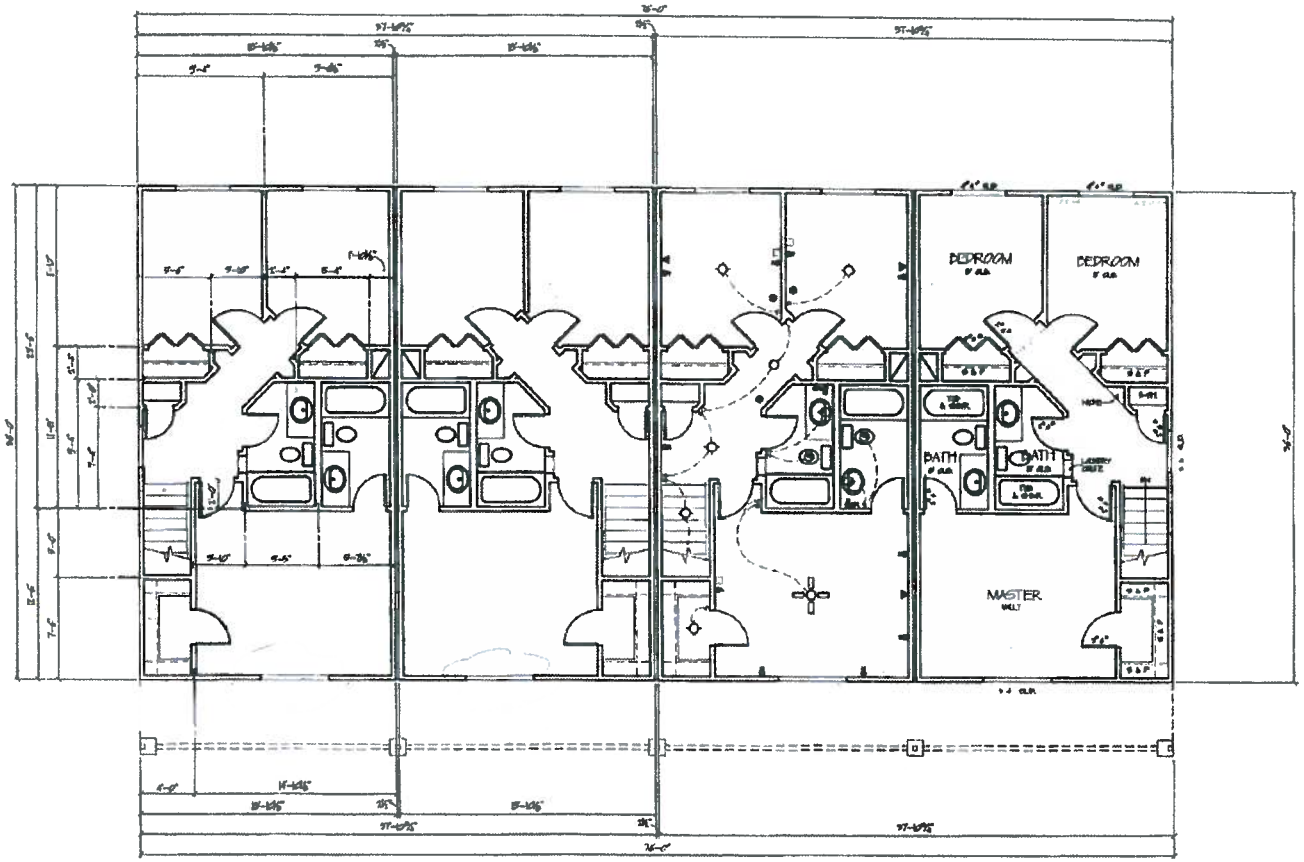

FRONT ELEVATION 'B'
SCALE 1/4"

PLAN B

SCOTT D. HUGHES
3672 S. MULBERRY DR.
ST. GEORGE, UT 84790
435.674.5550 - 435.880.9012

PARADISE HOME DESIGN

DATE: MAY 14
SHEET:




UPPER FLOOR PLAN

880 SQ FT / PER UNIT

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

REVISIONS

| DATE | BY | DESCRIPTION |
|---|---|---|

PREPARED FOR:

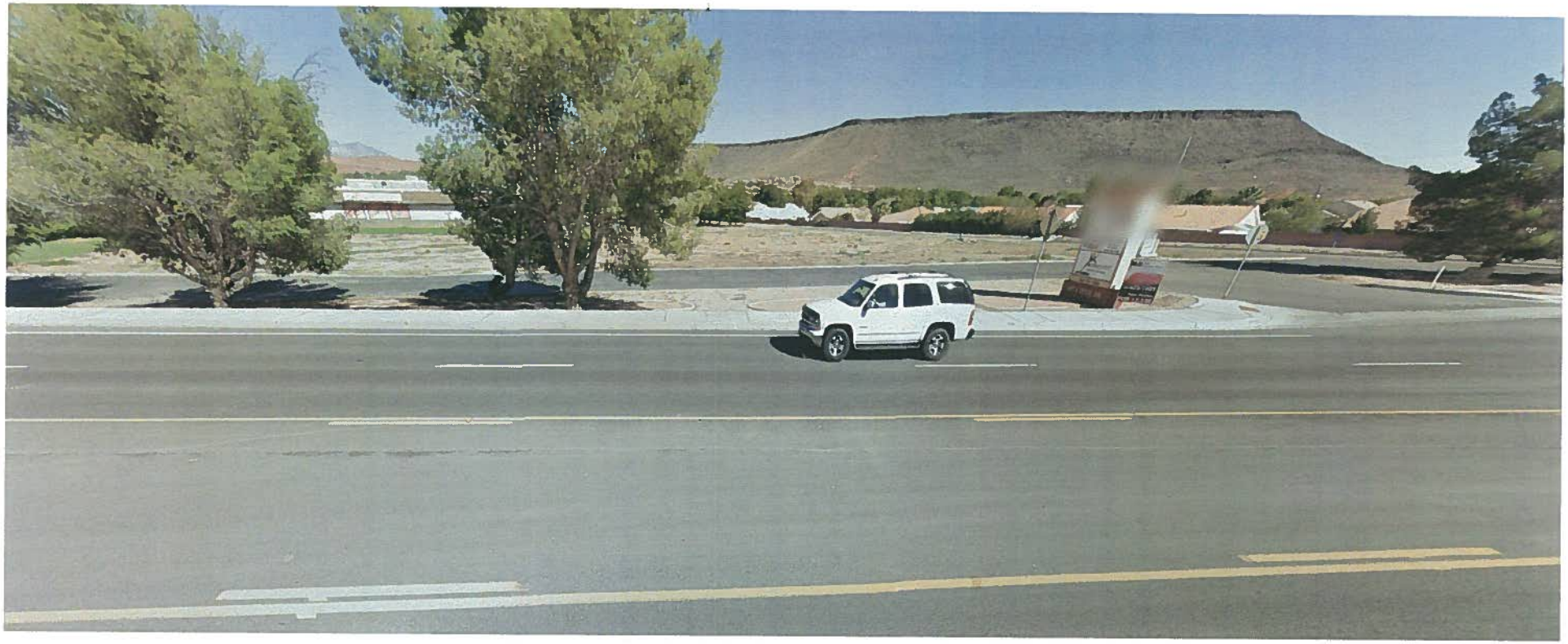
SKYHAWK TOWNHOMES L.L.C.

2-22-2005

NOTED

SKYHAWK TOWNHOMES

4



6B

RE: APPROVAL OF SUNBROOK HOLLOW PUD

SG City Council,

Ladies & Gentlemen

6 August, 2015

The Sunbrook Hollow developers currently enjoy a 50' non-exclusive right away that will become the access to their development as provided in their site plan. The installation of said road way will cause a very real disturbance to my tenants at Sunbrook Ranch as well as effectively bisecting my remaining property. My purpose in being here tonight is to CLARIFY & MAKE CERTAIN, that my current access rights to my front properties are VERIFIED & FULLY RECOGNIZED BY THE CITY with the following stipulations:

1- No action taken here on the development or approval of the above referred to property shall adversely affect my ability to access or develop either my remaining south lot, over one acre, or north lot where the warehouse is located.
2- The current access to my north parcel shall remain unaltered at the entrance to Dixie during construction of any new roadways proposed by this plan, as well as at least two additional access points needed to provide adequate ingress and egress of my south parking lot that serves our tenants at Sunbrook Ranch, as shown on our last PUD site plan approval attached and marked in red.
3- The reconstruction of this parking lot with additional new parking stalls to replace those lost in the new roadway to SBH is crucial to maintaining the required number of stalls for our current tenants and being in compliance with the city's parking regulations, as well as for the future development. Again, the SBH developers need to provide said access points.
4- The developer of Sunbrook Hollow shall maintain continuous full access to these points at all times during construction with minimal disruption to the Sunbrook Ranch tenants.
5- I am willing to abandon the current westerly access to my property at the time development occurs providing the above conditions are provided as stipulated.

And finally, just an observation about the PC's restriction on the number of units that can be built on the Sunbrook Hollow property. While this development plan seems desirable and well laid out; it also seems arbitrary and somewhat capricious on the Planning Commission's part to have limited them to only 54 units as SGC has formerly allowed 82 full size residences with only one access, and no emergency access within just a couple of miles of this property- Twin Creeks at Stone Bridge. While I fully recognize the PC's discretion in these matters, I also think precedence sets a legal guideline that is important to consider.

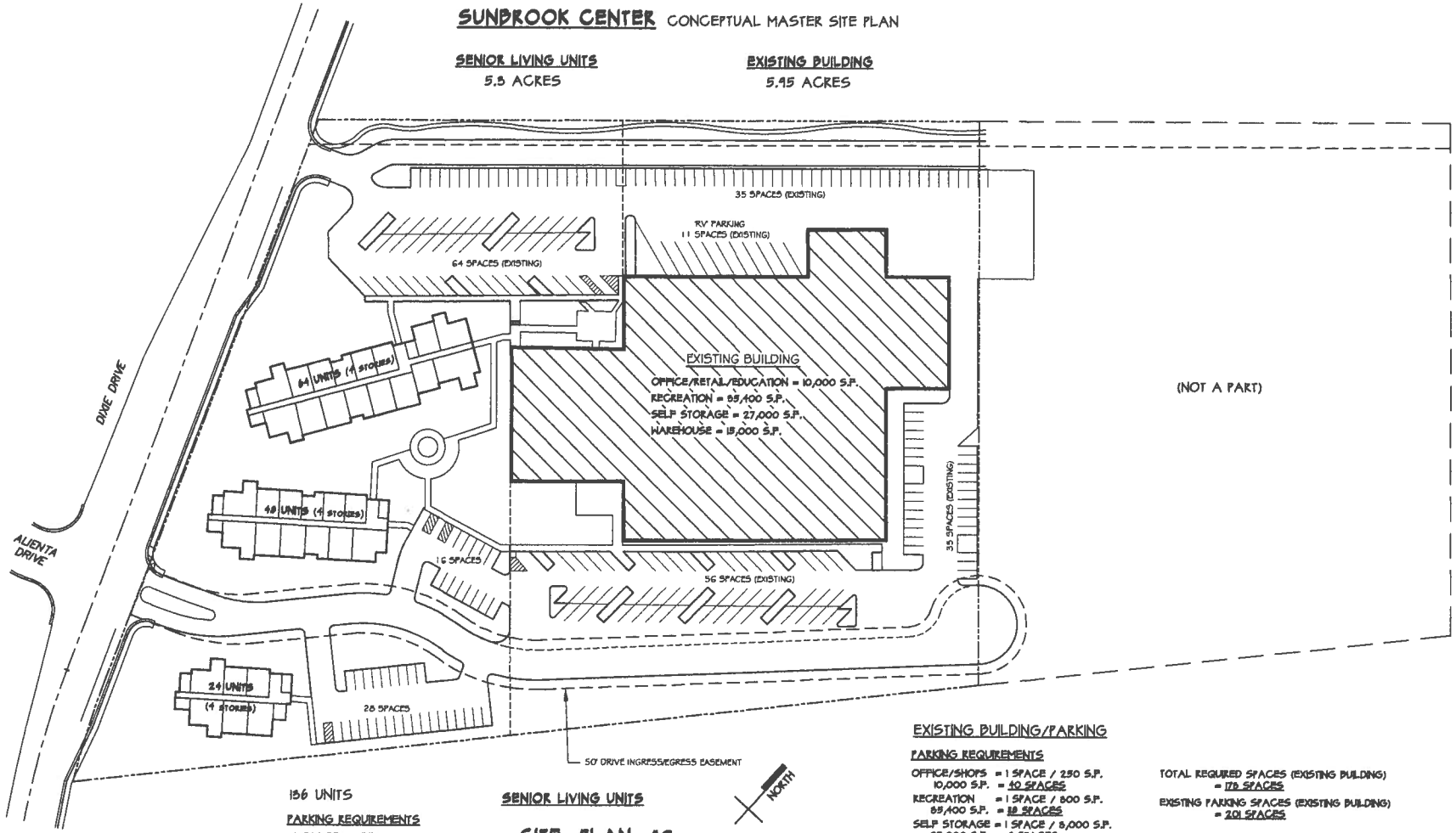
Thank you for your consideration in these matters,

Marvin A. Blosch; MBA Properties LLC; Sunbrook Ranch LLC

# SUNBROOK CENTER CONCEPTUAL MASTER SITE PLAN

**SENIOR LIVING UNITS**
5.5 ACRES

**EXISTING BUILDING**
5.95 ACRES




156 UNITS

**PARKING REQUIREMENTS**
.7 SPACE / UNIT
156 x .7 = 45.2 SPACES REQUIRED
108 SPACES PROVIDED

**SENIOR LIVING UNITS**

## SITE PLAN #2

SCALE: 1" = 50'

2 DECEMBER 2015

NORTH

0 50' 100'

**EXISTING BUILDING/PARKING**

**PARKING REQUIREMENTS**

OFFICE/SHOPS = 1 SPACE / 250 S.F.
10,000 S.F. = 40 SPACES
RECREATION = 1 SPACE / 800 S.F.
89,400 S.F. = 110 SPACES
SELF STORAGE = 1 SPACE / 6,000 S.F.
27,000 S.F. = 4 SPACES
WAREHOUSE = 1 SPACE / 7,500 S.F.
10,000 S.F. = 6 SPACES (1.66 + 5 EMPLOYEE SPACES)

TOTAL REQUIRED SPACES (EXISTING BUILDING)
= 170 SPACES

EXISTING PARKING SPACES (EXISTING BUILDING)
= 201 SPACES

DRAFT

Agenda Item Number : 3C

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-22 09:42:44 |
| **Applicant** | River Road Inv. |
| **Quick Title** | Public Hearing, Zone Change, and Ord From R-1-10 to PD-C |
| **Subject** | Consider a zone change request to rezone 10.83 acres from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-C (Planned Development Commercial) to accommodate future development of a proposed commercial center with a car wash, bank, restaurants, business college, and retail stores located along the west side of River Road at approximately 1450 South Street. |
| **Discussion** | The applicant is requesting a PD-C zone change to accommodate a commercial center. The applicant has submitted an overall conceptual site plan and elevations for a car wash. Future buildings will be required to be approved by City Council. A TIS has been submitted and is being reviewed. Planning Commission recommends approval. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Logical development for this busy road. Planning Commission recommends approval. No public comments made at the Planning Commission meeting. |
| **Action Taken** | |
| **Requested by** | John Willis |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

# Zone Change

PLANNING COMMISSION AGENDA REPORT: **06/23/2015**
CITY COUNCIL SET DATE: **07/09/2015**
CITY COUNCIL MEETING: **08/06/2015**

ZONE CHANGE
**Boulder Creek Crossing**
Case No. 2015-ZC-017

**Request:** A request to rezone property from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-C (Planned Development Commercial) zone on 10.83 acres.

**Overall Project:** This PD zone change is requested to accommodate the future development of a proposed commercial center to include a car wash, bank, restaurants, Business College, and retail stores. Note that future pads and phases will be developed with individual subsequent zone change amendments (ZCA).

This zone change is only for the overall site layout, written text, 'use list', narrative, approximate phasing, overall landscaping concept, the car wash construction, and commercial center vehicle access (drive way locations establishing right-in & right-out only areas, deceleration zones, etc.).

This zone change does not approve construction of the future college building, bank, restaurants, etc.

**Owner:** River Road Investments LLC
PO Box 911955
St George, Utah 84791
Contact: Mike Sheffield

**Applicant:** River Road Investments LLC

**Representative:** Mr. Eric McFadden, Premier Design and Engineering

**Location:** Located along the west side of River Road at approximately 1450 South Street.

**Acreage:** Total Center = 10.83 acres (471,910.82 sq. ft.)

**Current Zone:** R-1-10 (Residential)

**General Plan:** COM (Commercial)

**Adjacent zones:** This property is surrounded by R-1-10 with some OS to the west, and PD-C to the northeast of it (Maverik and car lube).

**Ordinance:** This project is submitted for review in compliance with Section 10-8-6 "Commercial / Manufacturing Development Standards."

**Proposed Phases:**

| Phase | Project | Acreage | Comments |
|---|---|---|---|
| 1 | Car Wash | 1.32 | This zone change includes elevations, rendering, colors, and materials proposed |
| 2 | Business College | - | One (1) two (2) story building. Stevens Henager College. This will require a future ZCA application. |
| 3 | Retail Office | - | Two (2) buildings; a one story and a two story. |
| 4 | Retail / Office | - | One story building |
| 5 | Restaurants | - | One story building |
| 6 | Bank | - | One story building |
| 7 | Retail | - | One story building |
| 8 | Retail / Office | - | Two story building |

**Car Wash:** This zone change specifically requests approval of the proposed car wash.

Phase: This car wash is the first phase project of Boulder Creek Crossing commercial center.

Design: Renderings and elevations have been provided for review.

Materials: Material samples and colors have been provided and will be shown at the meeting. The building will use a thin veneer stone on the central entrance and on the two ends (entrance & exit). The design will also incorporate stained timber columns for canopy supports. The majority of the building's exterior will be earth tone synthetic stucco and a decorative green band accent will be used.

Height: This is a single story building and will be less than 35 feet in height. The majority of the car wash will be approximately 19 feet with the central entrance being approx. 24 feet and the two ends with gable roofs being approx. 28 feet.

Setbacks: Shall comply with Section 10-8-6.B

Parking: Thirty-one (31) spaces are shown (staff will verify during SPR)

Lot size: Phase 1 (Car Wash) = 57,525 sq. ft. (1.32 acres)

Drive-thru: A drive-thru design is proposed (se site plan).

**Staff Comments:**

1. Written Text – In compliance with Section 10-8-4, a written text has been provided by the applicant (see attached) which details and describes the overall project (Boulder Creek Crossing).

2. Narrative – The applicant has provided a narrative to provide an overview to this project (see attached).

3. Traffic Study - A T.I.S. (Traffic Impact Study) has been submitted to the City Traffic Engineers for review and approval. Subject to approval by the City Engineer.

4. Use List – A list of proposed commercial uses has been provided for the PC review and approval (see attached). The applicant has proposed a car wash, restaurant, and C-3 uses. The Planning Commission will need to look closely at the use list.

5. Roadway – River Road improvements – The developer will be responsible for installing full roadway improvements along the west half of River Road to comply with the City's Master Road Plan's ultimate R.O.W. (right of way).

6. Design-Car Wash - building elevations, colors, and materials have been provided for review and discussion.

7. SPR - A SPR (Site Plan Review) application shall be submitted and approved by staff. This is the civil engineering plans (for car wash).

8. Subdivision – This project will require the submittal of a Preliminary Plat and Final Plat.

9. Setbacks – Shall comply with Section 10-8-6.B.

10. Parking – The City's standard for parking (Section 10-19-5) requires a minimum of one parking space per each 250 gross sq. ft. (1:250). This equates to 4 spaces per 1,000 sq. ft. A data box explaining parking will be required on the site plans. Also, restaurants and food services require a minimum of one space per each 100 gross sq. ft. (1:100).

11. Drainage – A drainage study and plan shall be submitted.

12. C.O. - No C.O. (Certificate of Occupation) shall be approved until all improvements are installed per approved developments civil and construction plans.

13. Future Phase / Pad development – Future development of areas identified on the site plan as phases / pads will require submittal of a ZCA (Zone Change Amendment) application to allow the PC and CC an opportunity to review projects.

14. Phasing – The overall site plan shows this project in eight (8) phases (see overall site plan).

**P.C.:** The Planning Commission recommends approval with conditions

**Motion:**

This is a motion to recommend approval to the City Council of a PD-C zone for 'Boulder Creek Crossings' with the following recommended conditions:

1. Acreage - The zoning on the entire zone change area is recommended for approval to change from R-1-10 to PD-C on 10.83 acres.

2. Use List – The uses as reviewed and recommended for approval by the PC for the entire 10.83 acres.

3. Written Text - The written text as submitted is approved for the overall concept presentation.

4. Access – Approval of the 'concept' of vehicular ingress and egress (right-ins & right outs, deceleration zones, etc.) as presented. Final plan review by staff is required.

5. Car Wash – Approval of the layout, rendering / elevations, colors, and materials as presented.

6. Not Covered - This zone change does not approve construction of the future college building, bank, restaurants, etc. Each individual project will require submittal and review of a ZCA (Zone Change Amendment).

7. SPR - A SPR (Site Plan Review) application shall be submitted and approved by staff. This is the civil engineering plans (for the car wash).

8. Lighting – All project lighting shall incorporate 'dark sky style' lighting. A photo metric plan shall be included in each SPR application.

9. Traffic Study - A T.I.S. (Traffic Impact Study) shall be approved by the City Traffic Engineers.

10. Car Wash Ownership – Subject to legal review. Demonstrate that the car wash (Phase 1) has legal ownership transferred to it.

11. Car Wash Design – Approval of the design, colors, and materials presented for the car wash.

# Written Text
# (Project Overview)

**Section 10-8-4: CONTENTS OF WRITTEN TEXT**

The written text shall include the following:

A. Use Of Land

B. Height And Elevations

C. Density

D. Schools, Churches And Open Spaces

E. Phasing Plan:

F. Topography

G. Landscape Plan

H. Area Reserved For Landscaping

I. Utilities

J. Refuse Storage Areas

K. Lighting Plan

L. Turning Space

M. Signs

# Boulder Creek Crossing

*A Planned Commercial Development at 1450 South River Road, St. George, Utah*

## 1.0 Introduction

### 1.1 Application for Zone Change

River Road Investments LLC is proposing to change the zoning for approximately 10.89 acres of R-1-10 property located near the intersection of River Road and 1450 South Street to Planned Development (PD) Commercial. It is our intent to utilize this land for the construction of a major neighborhood shopping center. The project will be known as Boulder Creek Crossing.

### 1.2 Background

The Sheffield Family, whose members are officers in River Road Investments LLC, has been heavily involved in the development of the southeast part of the City of St. George including The Boulders subdivision, Boulder Springs Villas gated community, the Summit Athletic Club and the Sun River Plaza office complex. During the Past 20 years, we have conducted and resolved many complex issues along the Virgin River, including Flood and erosion studies to determine the safe and appropriate way to build near the river.

We have also made substantial contributions toward the construction of public street systems, the reconstruction of the River Road Bridge, and for open spaces and trails. This has included the donation of properties and improvements constructing 1450 South Street and widening River Road.

Even though we live in and love this part of town and want to contribute heavily to its beauty and functionality, the millions spent on such infrastructure was also to eventually construct the major neighborhood shopping center on both sides of River Road and 1450 South. It has been a rough time putting these major community improvements in advance of development, in some cases as much as 20 years, but it is finally time to reap the benefits of such investments of time and money proceeding with the commercial development now that the recession is slowly recovering.

We are proud of the projects we have provided the community, and feel as though the Boulders Communities, the Sun River Plaza, and the Summit Athletic Club help make the City of St. George a better place to live. It is our intention to finish our long awaited contribution strong with this Neighborhood Shopping Center with surrounding recreation features to help make the city even better.

Since the early 1990's when the City of St. George Master Plan was adopted, this project was anticipated as being of great need to the surrounding residential neighborhoods. In theory, by bringing a major retail center to this area, local residences will have a number of food and retail services met without having to drive into and all around town to meet their retail needs, thus saving the town of substantial traffic and congestion, and to economize on time and fuel. This zone change application represents the fruition of all that long awaited planning.

### 1.3 Contents of Written Text

This written text will address the requirements of Section 10-10-2 of the City of St. George Zoning Ordinance, in the order outlined therein.

A

## 2.0 Use of Land

### 2.1 Land Use Breakdown

The Proposed land use breakdown for the project land area, building area, parking spaces, and landscape area is listed in Table 1. Refer to the Zone Change Site Plan for illustration.

| Land Area (Acres) | Building Area (Sq.Ft.) | Parking Spaces (Each) | Landscape Area (%) |
|---|---|---|---|
| 10.83 | 68,665 | 406 | 24.75 |

### 2.2 Proposed Commercial Uses

It is our intent to utilize the proposed building spaces for a variety of consumer retail services and/or professional offices, depending on the entities that are interested in purchasing lots within the project, as noted in the preceding paragraphs. ~~For this reason, the proposed uses include most that are listed in Section 10-10-2 of the City of~~ (SEE USE LIST) St. George Zoning Ordinance. Table 2 lists the proposed possible commercial uses for this project:

**Table 2 - Proposed Commercial Uses**

B

## 3.0 Building Height and Elevations

### 3.1 Proposed Building Features

The Zone Change Site Plan shows and outline of the proposed building footprint elevations and possible stories/heights. These are summarized in Table 3, below:

**Table 3 - Proposed Building Features**

| Building Footprint (Sq.Ft.) | Building Stories (Each) | Building Floor Space (Sq.Ft.) | Maximum Height (Feet) |
|---|---|---|---|
| 10,375 | 2 | 20,750 | 35 |
| 4,800 | 2 | 9,600 | 35 |
| 6,350 | 1 | 6,350 | 28 |
| 5,890 | 1 | 5,890 | 28 |
| 8,000 | 1 | 8,000 | 28 |
| 7,300 | 1 | 7,300 | 28 |
| 5,200 | 1 | 5,200 | 28 |
| 14,750 | 1 | 14,750 | 28 |
| 6,000 | 2 | 12,000 | 35 |
| **TOTALS 68,665** | **N/A** | **89,840** | **N/A** |

As seen in Table 3, most buildings in the project will be limited to one or two stories and will stay within the maximum 35-foot height requirement. Being one of the primary residences living in the area, we are concerned about protecting views of the temple and surrounding skyline. Since the property is located low in elevation in comparison to housing developments to the South which are much higher in elevation, it is not anticipated that the height of any buildings will restrict the views of existing residences.

### 3.2 Architectural Renderings and Materials Samples

Kim Campbell and Associates Architects is providing color and material samples as well as renderings with this submitted zone change package. The proposed building colors are complimentary earth tones with a light desert contemporary theme. Materials consist of reddish brown ledge stone, grayish brown tile roofs, various colored earth toned stuccos, dark bronze windows and iron features, and matching masonry block. The roof lines and store front locations will vary giving separate appearances in stores, much like the new stores at the mall, like Chico's and the Barnes and Noble book store. Our goal is to provide an environment that is upscale, timeless, and inviting for long-term appeal. At every opportunity, where practical, shade environments will be created with structures and landscaping to provide relief from the hot summer days.

Because the zoning in PD Commercial, each building will be examined individually. We are only providing conceptual and general guidelines now. More detail will be provided at the time of each building permit process.

C

## 4.0 Project Density

The Calculated project land area and building area is listed in Table 4. The table also includes the building area density as a percentage of the total land area. Refer to the Zone Change Site Plan for illustration.

**Table 4 - Project Density**

| Land Area (Acres) | Building Footprint (Sq.Ft. & %) | Building Floor Space (Sq.Ft. & %) |
|---|---|---|
| 10.83 | 68,665 Sq.Ft. // 14.50% | 89,840 Sq.Ft. // 19.04 % |

D

## 5.0 Schools, Churches and Open Spaces

No areas are currently being reserved in the proposed project limits for use as a church or open space. There is a space being considered by Stevens Henager College for a new facility. In the past we have contributed heavily to open space surrounding the project with our participation in conveying the Virgin River frontage and City of St. George master plan trail system easements to the City.

E

# 6.0 Phasing Plan

## 6.1 Project Phasing

As outlined on the Zone Change Site Plan, there are Phases designated for the construction of this project. Each Phase will have a preliminary plat, and each building pad being divided into an individual lot to include minimum parking spaces and landscape requirements. The Final Plats that follow the Preliminary Plats may be divided into additional phases, depending on the specific desires of each tenant. Flexibility needs to be anticipated since we do not know exactly what tenants will be found.

## 6.2 Proposed Boulder Creek Crossing

The west side of River Road is proposed for retail space taking advantage of the widened streets we helped provide years ago, and the high daily volume of traffic passing by. This parcel is owned by River Road Investments LLC, with some similar partners. Sheffield Development and Keystone Construction and Design have been hired to develop the site for investors. Additional land was purchased from the Bundy family, the old road was acquired by trade and donation with the City for trails and parks, and 3 more acres is being traded with the Taylor family to provide enough depth to make the project feasible.

Our current intention is to upgrade the traffic signal and extend 1450 South Street to the West of River Road. This will provide the access we need to the west side of our property, and also provide a new, safer access to River Road for the Taylor and Bundy parcels.

The phasing on this property will probably start with a Car Wash towards the South end. Other retail users along River Road will come in one phase at a time as the users purchase the pad sites or have them built to suit for long term lease. There are financial institutions, and restaurants also considering the location. The same sort of retail shops will be constructed as those featured on the renderings provided, with at least one of the rear ones anticipated to be two stories with office space upstairs.

A future phase to the West, not shown as part of this project, will have to be adopted in conjunction with a General Plan Amendment, due to its current zoning designation. We believe all of our property should be included in the PD Zone, and are willing to move forward with a General Plan Amendment, hopefully later this year. We believe that this area is certainly no location for residential housing due to noise, traffic, public safety, etc.; but is best suited for retail, office, light industrial (such as auto repair), and perhaps a retirement home or other multifamily dwelling. At present, we are most interested in a buyer who wants to build a modern Bowling and Entertainment center. That would do well for the families living in this proximity. We will hope for this as we move forward. Another interested buyer was a movie theater for this side of town. We also like this idea. Finally, a medium size retail box tenant may also show some interest, after we get the other retail stores in place.

F

## 7.0 Topography

The major topographic feature for this area is the Virgin River, located immediately north of the Boulder Creek Crossing site. Proximity to the river boundary along the Boulder Creek Crossing site is to be mitigated by future erosion protection improvements similar to those proposed in the Erosion Hazard Risk Assessment (Rosenberg Associates 5/21/2013). Improvements within the FEMA floodway will be limited to non-structures such as parking spaces and landscape so as not to interfere with potential flood elevations. Building structures will also be required to be elevated at least one foot above the 100-year base flood elevation.

G

## 8.0 Landscape Plan

The Zone Change Site Plan denotes areas designated for improved landscaping. Landscaping will be consistent with the Summit Athletic Club, comprised of low-water use plants and trees. Tree species planted along the public street right-of-way will match varieties approved in the City of St. George Street Tree Ordinance.

A detailed site landscape plan denoting plant layout, materials, sizes and details, as well as irrigation layout and details, will be submitted with the construction plans as each Phase and building site is developed.

H

## 9.0 Area Reserved for Landscaping

Table 1 in Section 2.1 denotes the percentage of area reserved for landscaping. The total project landscape density is equal to 24.75% of the total project area.

I

## 10.0 Utilities

Utilities to all the properties are available on or near the site. All new utilities will be underground. Some existing utilities may need to be relocated to accommodate the proposed site layout including the existing sewer trunk line currently crossing the property. An existing major above ground power line owned by Dixie Power has been partially relocated by Jiffy Lube and Maverik to cross River Road at the 1450 South Street intersection, and return south along the current path until future development requires adjustment.

Water and other underground utilities will be stubbed to the West side of River Road when 1450 South Street is extended to the West.

J

## 11.0 Refuse Storage Areas

All refuse storage areas will be screened so that materials stored within these areas shall not be visible from access streets, freeways and adjacent properties. Locations for refuse are shown on the Zone Change Site Plan, but will be determined and submitted with the construction plans as each Phase and building site is developed.

K

## 12.0 Lighting Plan

Each individual lot will submit a detailed lighting layout plan at the time of proposed development that shall be compatible with overall lighting theme. The general locations of proposed site light poles are not shown on the Zone Change Site Plan Typical site lighting will consist of a shoe box style light fixture mounted on an 18-foot high pole, spaced approximately 50 to 60 feet apart. Light styles will match the site lighting at the Summit Athletic Club. Building lighting will also be utilized with design complimentary to the site fixtures.

All proposed light fixtures shall contain a night sky cut off to minimize glare. All site lighting shall be spaced to illuminate less than on foot candle at property perimeters. Being one of the primary residences living in the area, we are concerned about protecting views of the temple and skyline, not only with proposed building heights but with lighting as well, keeping lighting down on the ground and away from our homes. As we have done with the Summit, and as we have provided for with Maverick, care will be exercised to ensure adequate but directed lighting on site, and not into our homes.

L

## 13.0 Access and Turning Space

### 13.1 Site Access

Access to the site will be from River Road and 1450 South Street in the approximate locations shown on the Zone Change Site Plan, and includes and extension of 1450 South Street to the West side of River Road. Additional acceleration and deceleration lanes will be provided for in a balanced manner, in accordance with recommendations of the City of St. George engineering staff, and as recommended by the traffic study that has been performed for this development. A copy of the Traffic Impact Analysis prepared by Jones & Demille Engineering is included with this Zone Change package.

### 13.2 Interior Site Access

The site layout as proposed by the Zone Change Site Plan have provided for safe and convenient turning space for cars sewer vehicles, refuse collection vehicles, firefighting equipment, etc. Parking areas have been configured to maximize more than one point of access, and to minimize "dead-end" situations.

M

## 14.0 Signing

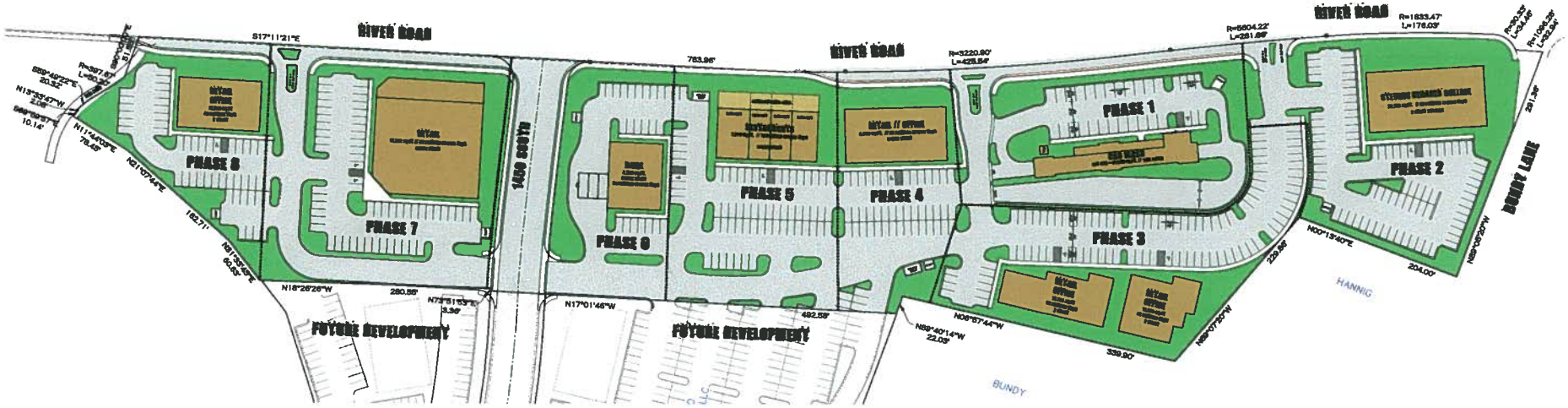
We anticipate that monument signage will be utilized at select locations within the project and viewable from River Road and 1450 South Street sufficient to direct traffic to the major shopping areas, but great care will be taken to have them done tastefully so as to maintain the integrity of our residential communities. We suspect a video style monitor sign facing north may be appropriate to keep the public informed without requiring so many off site signs. A uniform signage profile will be established to provide guidance consistent with our architectural standards. These will work with the city signage standards.

# ROUGH CONCEPTS

Boulder Creek
Crossing
Restaurant
BANK
mpbell
&Associates

Boulder Creek
Crossing
SHOES
Office
Real Estate
Tilles
boutique
SANDWICH
Campbell
&Associat

# SITE PLAN




## SITE DATA

1.) CURRENT ZONING = R-1-10
2.) GENERAL PLAN = COMMERCIAL
3.) ZONING OR GENERAL PLAN CHANGES = ZONE CHANGE TO PD-COMMERCIAL
4.) TOTAL AREA SQUARE FOOTAGE = 471,910.62 SQ.FT. = 10.83 ACRES = 100.00%
5.) BUILDING AREA = 69,539 SQ.FT. = 1.59 ACRES = 14.68%
6.) ROAD WAYS, PARKING LOT & SIDEWALKS AREA = 288,828.82 SQ.FT. = 6.63 ACRES = 61.22%
7.) LANDSCAPE AREA = 113,543 SQ.FT. = 2.61 ACRES = 24.10%
8.) BUILDING HEIGHT = UP TO 35' MAXIMUM
9.) PROPOSED USE = CAR WASH, RESTAURANT & CS USES ALLOWED PER CITY ZONING
10.) RESTAURANT BUILDING WILL BE FIRE SPRINKLED
11.) PARKING REQUIRED =

### CAR WASH

CITY STAFF RECOMMENDATION = 6 PARKING SPACES TOTAL REQUIRED
6 SPACES PROVIDED WITH 1 HANDICAP VAN ACCESSIBLE SPACE

### RESTAURANT SPACE

1 SPACE PER 100 SQ.FT.
7,300 SQ.FT. TOTAL = 73 SPACES REQUIRED
73 SPACES PROVIDED WITH 1 HANDICAP VAN ACCESSIBLE SPACE
6 ADDITIONAL SPACES PROVIDED FOR OUTDOOR SEATING

### RETAIL // OFFICE SPACE

1 SPACE PER 250 SQ.FT.
64,700 SQ.FT. TOTAL = 339 SPACES REQUIRED
339 SPACES PROVIDED WITH 7 HANDICAP VAN ACCESSIBLE SPACES

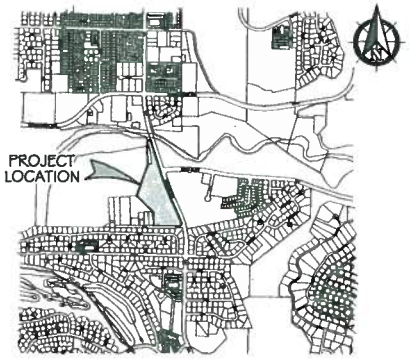
## PROPERTY INFO

PROPERTY ADDRESS = RIVER ROAD & 1450 SOUTH STREET
ST.GEORGE, UTAH 84790

CIVIL ENGINEERS:
PREMIER DESIGN & ENGINEERING
75 EAST 100 NORTH
IVINS, UTAH 84738
(435) 313-2267
CONTACT: MARC FONGER / ERIC MCFADDEN

OWNER // DEVELOPER:
RIVER ROAD INVESTMENTS LLC
PO BOX 911955
ST. GEORGE, UTAH 84791
(435) 703-1105
CONTACT: MIKE SHEFFIELD

Call before you Dig
1-800-662-4111




VICINITY MAP
N.T.S.

| | |
|---|---|
| DATE: | 6/12/2018 |
| DRAWN BY: | E.A.M. |
| CHECKED BY: | M.R.F. |
| CLIENT: | DCD |

SCALE: 1" = 60'

SITE PLAN BOULDER CREEK CROSSING
RIVER ROAD INVESTMENTS LLC
RIVER ROAD & 1450 SOUTH STREET
ST. GEORGE, UTAH 84790

PREMIER Design & Engineering
75 EAST 100 NORTH IVINS, UTAH 84738 (435) 313-2267

SHEET
C1

N.T.S

# BOULDER CREEK CROSSING DEVELOPMENT

# USE LIST

# Boulder Creek Crossing

(10.83 acres)

**"USE LIST"**

*Note: Future ZCA (Zone Change Amendments) may be submitted for additional uses not listed below on a case by case basis*

Amusement / Recreation / Entertainment

Dance Studio
Martial Arts Studio
Health Club
Fitness Center
Indoor entertainment activities such as paintball, bowling alley, miniature golf, arcade, etc.
Theater

Animal Services (indoor only)

Small Animal boarding
Animal Hospital
Veterinarian Clinic
Pet store, pet grooming

Automotive (indoor only)

Auto parts sales (indoor only)
Automobile rental
Auto repair, including paint, body, and fender, brake, muffler provided conducted indoors
Tire sales (indoor)
Car Wash (excluding open bays & manual car wash)

Business & Financial

Bank or financial institution
Professional or business office (real estate, travel, accounting, attorney, etc.)

Food Service

Bakery
Catering
Delicatessen
Ice cream parlor
Restaurant, drive-in
Restaurant, sit down

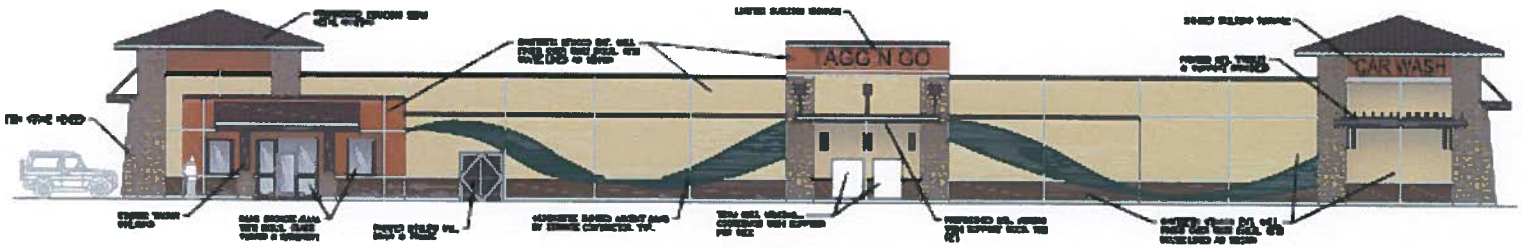
Non-Industrial Manufacturing (in shop)
Candy Shop

Medical, Dental, Counseling Services
Counseling Center (mental health, alcohol, drugs)
Laboratory, dental or medical
Medical / Dental office or clinic
Optometrist, optician

Retail Sales (indoors)
Antique store
Athletic & sporting goods
Bookstore
Department store
Drive-thru sales (pharmacy, dairy, etc.)
Florist
Furniture
Appliances
Office supplies
Paint or wall paper
Pharmacy
Retail goods establishments
Super market / grocery
Gas Station
Convenience market with gas pumps

Service Business (indoor only)
Barber Shop
Beauty Shop (incidental body piercing)
Carpet & rug cleaning
Child nursery, day care, preschool (limited outdoor with staff approval)
Educational institutions, schools, college, learning center, trade school
Janitor service & supply
Laundry or dry cleaners
Locksmith
Mail service
Massage establishment
Permanent cosmetics (as a secondary use to barber shop or beauty shop)
Pest Control
Pet grooming
Printing

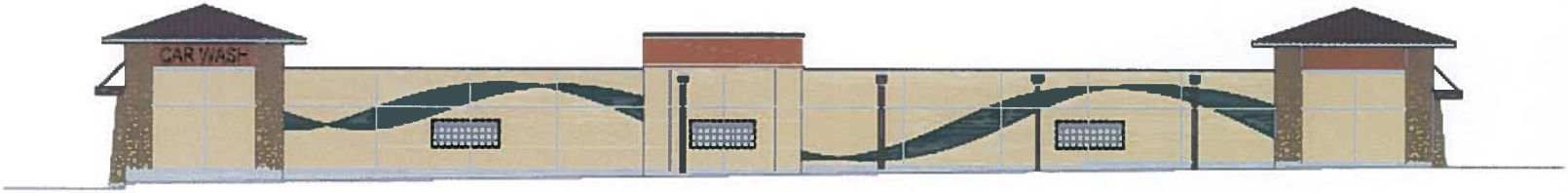
# CAR WASH




EAST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION




WEST ELEVATION

VDG
VINCENT DESIGN GROUP, INC.
ARCHITECTS AND PLANNERS

NEW TUNNEL CAR WASH BUILDING:
TAGG N GO CAR WASH

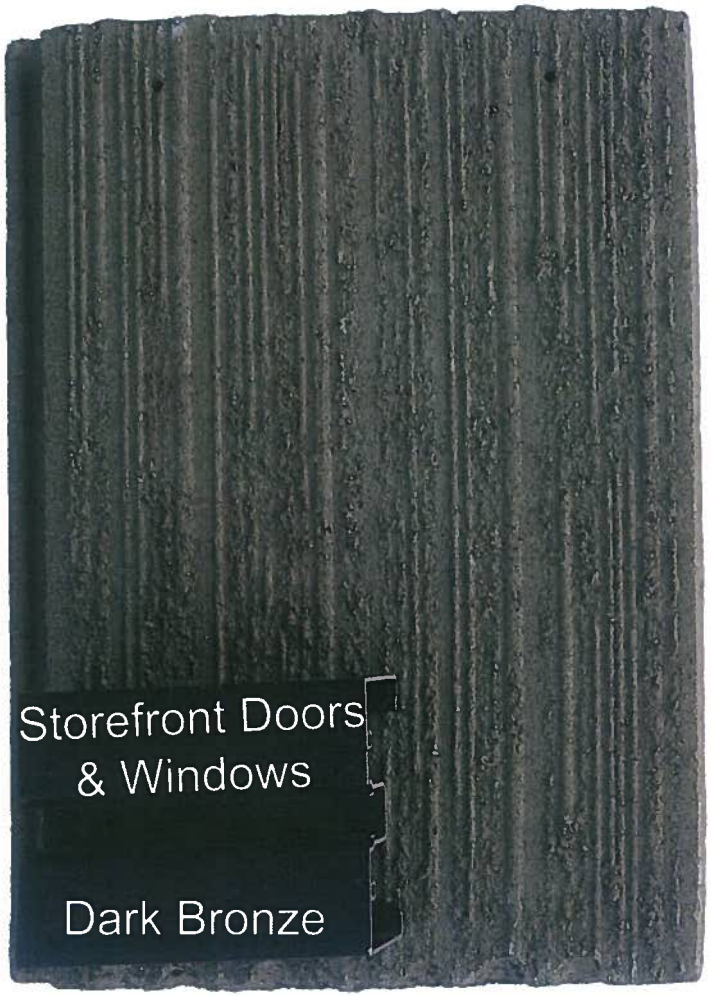
1523 S. RICHMOND
ST. GEORGE, UTAH
BUILDING ELEVATIONS

SHEET TITLE
A-2.00

# Materials & Colors

(SEE ACTUAL SAMPLES)

# BOULDER CREEK COMMONS
# P.D. COLOR BOARD




CONCRETE ROOF TILE
Flat Profile Raked Finish -Flat Roof Membrane Tan

SPLIT FACE, HONED & NATURAL

STUCCO
Sand Finishes

STUCCO
Sand Finishes

(SEE ACTUAL PAINT SAMPLES)

## Boulder Creek Crossing Commercial Center

### Paint Colors

KWAL Paint

(ColorLife)

| No. | Item | Color Name |
|---|---|---|
| 1 | CLC 1255W | Syntax |
| 2 | CLC 1250M | Soya Bean |
| 3 | CLC 1252M | Onion |
| 4 | CLC 1247W | Marden |
| 5 | CLC 1251D | Rodeo Dust |
| 6 | CLC1278N | Wild West |
| 7 | | |
| 8 | | |

## Boulder Creek Crossing Commercial Center

### Synthetic Stucco Colors
### Finish textures and colors

By

Dryvit

| No. | Item | Color Name | Finish |
|---|---|---|---|
| 1 | FS112 | Sandle Beige | - |
| 2 | 399 | Coffee Milk | Mojave |
| 3 | FS9341 | - | - |
| 4 | FS-66 | Taupe | - |
| 5 | - | Primrose | - |
| 6 | 451 | Calahan | Mojave |
| 7 | FS9 | Victorian | Mojave |
| 8 | FS10610 | - | - |
| 9 | 381 | Monastery Brown | - |
| 10 | - | Synergy Brunet | - |
| 11 | 456 | Oyster Shell | Quarztone Fine |
| 12 | 374A | Fudge | - |
| 13 | 113 | Amarillo White | - |
| 14 | FS6 | Tan | Quarztone Fine |

CAR WASH

CAR WASH

# APPLICATION

**PD ZONE CHANGE**
**PLANNED DEVELOPMENT (PD)**
APPLICATION & CHECKLIST

APPLICATION FOR A ZONE CHANGE AS PROVIDED BY THE
CITY OF ST. GEORGE ZONING ORDINANCE
CITY OF ST. GEORGE, UTAH

## I. PROPERTY OWNER(S) / APPLICANT & PROPERTY INFORMATION

LEGAL OWNER(S) OF SUBJECT PROPERTY: RIVER ROAD INVESTMENTS LLC

MAILING ADDRESS: P.O. Box 911955, ST. George, UT 84791

PHONE: (435) 703-1105 CELL: N/A FAX: N/A

APPLICANT: " SAME "
(If different than owner)

MAILING ADDRESS: " "

PHONE: " " CELL: N/A FAX: N/A

EMAIL ADDRESS(ES): mikesheffield@kw.com

CONTACT PERSON / REPRESENTATIVE: PREMIER DESIGN + ENGINEERING INC.
(i.e. Developer, Civil Engineer, Architect; if different than owner)

MAILING ADDRESS: 75E 100N, IVINS, UT. 84738

PHONE: (435) 313-2267 CELL: N/A FAX: N/A

EMAIL ADDRESS(ES): PREMIER.DESIGN_ERIC@yahoo.com

A general description of the property location is as follows: (Give approx. street address, general location etc., and attach a vicinity map or property plat showing the subject property and the surrounding areas.) Include a **colored** site plan and **colored** landscape plan, and **colored** elevation drawings (all four sides) suitable for presentations in public meetings. WEST SIDE OF THE ROAD ALONG RIVER RD. Between the VIRGIN RIVER + BUNDY LANE

**The Zone Change becomes effective on the hearing date if approved by the City Council. A PD (Planned Development Residential Zone *is approved for a period of 18 months only* unless building permits have been issued and the project commenced prior to 18 months from the above hearing date.**

**OFFICE STAFF USE ONLY**

CASE #: 2015-ZC017 FILING DATE: 4/4/16 RECEIVED BY: [illegible] RECIEPT #: _____

***FEE: $500 (Filing fee and 1st acre) + $50.00 per ac for 2-100 ac and $25 per ac 101-500 and $10.00 per ac 501-plus**

$991.65 SUBMITTAL FEE

Form Revised 5/10/2012

## II. ADDITIONAL INFORMATION

Provide the following information: **(Attach additional sheets if necessary)**

1. What is the present zoning on the property? R-1-10
2. What zone or zones are requested by this application? COMMERCIAL PD (PD-C)
3. Is the zone change in harmony with the present City General Plan? Yes X No _____
4. If no, what does the City General Plan propose for the subject property? N/A
   *(If the application is not in harmony with the City General Plan, a General Plan Amendment hearing will be required prior to the zone change request. General Plan Amendment hearings are held* ***four (4) times per year*** *in January, April, July, and October. A General Plan Amendment application can be obtained from the Community Development Department or online at http://www.sgcity.org/commdev/forms.php)*
5. Total acreage of proposed zone change: 471,910.82 sq Ft // 10.833 ACRES
6. Are there deed restrictions against the property that might affect the requested zone change?
   Yes _____ No X
   *A copy of the deed restrictions, if any, may be submitted in support of the application and shall be submitted if contrary to the request zone change.*
7. Has a Traffic Impact Study or Traffic Analysis been completed to determine any traffic impacts?
   Yes X No _____
   ***IF YES****, submit the Traffic Impact Study with the application for review by Traffic Engineering.*
   ***IF NO****, a Traffic Impact Study will be required (if determined necessary at Planning Staff Review) to be submitted with the application and reviewed prior to approval by the City Council.*
8. Is the necessary utility capacity available (water, power, sewer and drainage) to serve the zone change parcel? Yes X No _____
   Please describe the projected demand for utility services: WATER, SEWER, STORM DRAIN, GAS + ELECTRIC ARE ALL ON-SITE OR STUBBED INTO SITE FOR CONNECTIONS.

## III. SUBMISSION CHECKLIST FOR PD (PLANNED DEVELOPMENT) ZONE

**(A COMPLETE ZONE CHANGE APPLICATION MUST BE SUBMITTED A MINIMUM OF 3 WEEKS PRIOR TO THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING)**

Development/Project Name BOULDER CREEK CROSSING
*(Project name **must be** previously approved by the Washington County Recorder & City Planning Department)*
Developer/Property Owner RIVER ROAD INVESTMENTS LLC
Contact Person/Representative PREMIER DESIGN + ENGINEERING Phone No. 703-1105
Licensed Surveyor CornerPoint Phone No. 313-2267
Phone No. 619-5528

## PD ZONE CHANGE PROCEDURE

**Step #1** **Meet with Planning Staff Review (PSR) – Meets every Tuesday at 8:30 a.m. Call Community Development at 627-4206 to be scheduled for this meeting.**
*Note: Call at least one day in advance to schedule.*

**Step #2** **Document Submission Checklist***

***Legal Description Documents:***

*Submit the following documents: (These documents **must** be prepared by a licensed surveyor)*

- ☒ 1. Described bearings on all documents must be rotated to HCN;
- ☒ 2. Legal description prepared on 8-1/2" x 11" sheet and signed by a licensed Surveyor;
- ☒ 3. Minimum size 8-1/2" x 11" graphical representation of Survey Boundary;
- ☒ 4. Legal description and Surveyed Site Plan (Record of Survey) drawing in DWG format on a CD for the GIS Department;
- ☒ 5. 24"x36" Surveyed Site Plan (Record of Survey) drawing sheet(s) for meeting exhibit

***Other Submission Documents:***

- ☒ 6. This Zone Change application form completed and signed;
- ☒ 7. Appropriate** **Filing Fee:** **$500 (filing fee and 1st acre) + $50.00 per acre for 2-100 acre and $25 per acre 101-500 and $10.00 per acre 501-plus**
- ☒ 8. County ownership plat with boundary of zone change outlined;
- ☒ 9. List of property owners within 500' and **two sets** of mailing labels;
- ☐ 10. **Colored** Site Plan & Landscape Plan – minimum size 24" x 36";
- ☒ 11. Building elevation(s) – **Colored** renderings, all four building sides;
- ☒ 12. **Board mounted** materials and color samples (i.e. roof tile samples, stucco samples, stone samples, and paint color swatches, etc.);
- ☒ N/A 13. For buildings over 35' ft in height also provide a **colored photo simulation;**

☐ 14. 8-1/2" x 11" reduction of the site plan, landscape plan, and building elevations;

☒ 15. Written text (as outlined in Zoning Ordinance Chapter 8, Section 10-8-4);

☐ 16. CD with the above images in JPEG, BMP or TIFF format and the written text in PDF format

**Note: This application will be considered incomplete without the above documents*

***Note: There is NO FEE for acreage rezoned to Open Space*

---

## Step #3 Planning Commission and City Council Hearings

Planning Commission usually meets the 2nd and 4th Tuesday of the month at 5:00 p.m. All applications, the legal description and surveyed site plan drawing (Record of Survey) must be complete and submitted at least 3 weeks prior to the meeting. Incomplete or inaccurate applications **will not** be accepted or scheduled. City Council sets a public hearing date after a recommendation for approval from the Planning Commission, and then there is a 14-day advertising period prior to the public hearing.

**Hearing Dates:**

Planning Commission_____

City Council Set Date_____

City Council Hearing Date_____

Council Action_____

**Filing Fee: $500 (filing fee and 1st acre) + $50.00 per acre for 2-100 acre and $25 per acre 101-500 and $10.00 per acre 501-plus - NO FEE for acreage rezoned to Open Space**

---

## IV. COMMENTS

1. Please be aware that, if determined necessary by City staff, Planning Commission and the St. George City Council, additional information and/or special studies may be required to review the project. These may include, but not be limited to: Additional Color Renderings, Photo simulations, Computer fly-bys, Site Section Cuts, Color 'Bird's Eye' renderings, and additional color swatches and building materials.

2. Until the following information is submitted, your application will be considered incomplete:

3. Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, storm drain facilities, and all other improvements required under City Ordinance shall be completed prior to

the issuance of a certificate of occupancy or approval for permanent electric power service. In the event such improvements cannot be completed prior to receiving permanent or a certificate due to weather conditions or other unusual circumstances, a financial guarantee in the form of a cashiers check, bond, escrow, or other financial guarantee acceptable to the City attorney shall be provided to the City guaranteeing that such improvements will be fully completed within ninety (90) days of the issuance of permanent power and/or a certificate of occupancy.

## V. APPLICANT AGREEMENT

We the undersigned applicant(s) River Road investments LLC

(is)(are) the owner(s) ARE The owners

or (agent) of the following legally described property and **request the zone change as described above.** (Exact legal description and surveyed site plan (Record of Survey) drawing prepared and stamped by licensed surveyor, and/or property ownership plat must accompany application and must be attached hereto **along with the legal description and the surveyed site plan (Record of Survey) drawing in DWG format on CD.**) The legal description, if separated from the surveyed site plan (Record of Survey) drawing, must be stamped, signed, and dated, and have a firm name or surveyor's name address and phone number. **Note:** Surveyed Site Plan (Record of Survey) drawing and legal description shall comply with the pertinent subdivision Final Plat Checklist requirements.

| | |
|---|---|
| Signature | P.O. Box 911955, St. George, UT 84791<br>Address |
| Signature | Address |
| Signature | Address |
| Signature | Address |
| Signature | Address |

**Attach additional sheets if necessary for additional owners.**

# PROPERTY OWNERS LIST DECLARATION

City of St. George

175 East 200 North – St. George, UT 84770 – (435) 627-4000 – www.sgcity.org

The property owners listed identifies the owners of properties within a certain distance or radius of the external boundaries of a project or property. The labels may be prepared by the Washington County Recorder's Office, Title Company, or by another approved party. A complete property owners list shall consist of the following:

1. Completed and signed declaration
2. List identifying each property owners name, mailing address, and Assessor's Parcel Number (APN)
3. Typed set of mailing labels for each property owner prepared on 8-1/2"x11" sheets of self-adhesive labels in three column format, as shown on the attached sample. All type shall be in capital letters with no punctuation or APN's.
4. Property owner radius map identifying all properties within the required radius. An example radius map is attached.

The property owners list and the required radius shall be based on the application type as described below:

- **Zone Change**
  - ☒ Record owner of each parcel within 500 feet of that property (2 sets)
- **Conditional Use Permit or Variance**
  - ☐ Record owner of each parcel within 300 feet of that property (1 set)
- **Amended Final Plat**
  - ☐ Record owner of each parcel within 300 feet of that property (1set)
    - if each (100%) record owner of the subdivision gives their consent to the amendment, then labels are not required
- **Vacating a Roadway or Abandoning an Easement**
  - ☐ Record owner of each parcel within 300 feet of that property (1 set)

**LABELS PREPARED BY:**

Southern UTAH TITLE

Organization Name

The attached list contains the names and addresses of all persons to whom all property is assessed, and as they appear on the most current County Assessment Roll. This list identifies all properties located within the required area measured from the exterior boundaries of the property legally described by Assessor's Parcel Number(s).

w/c [illegible]

RIVER ROAD investments LLC

Legal Owner/Agent of property

Date: 5/29/15

*The list of property owners shall be submitted with the application applying for.

**ORDINANCE NO._____**

**AN ORDINANCE AMENDING THE CITY ZONING MAP BY CHANGING THE ZONE FROM R-1-10 TO PD-C ON 10.83 ACRES**

**WHEREAS**, the property owner has requested a zone change on10.83 acres from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-C (Planned Development Commercial); and

**WHEREAS,** the City Council held a public hearing on this request on August 6, 2015; and

**WHEREAS**, the Planning Commission recommends approval of the requested zone change; and

**WHEREAS,** the City Council has determined that the requested change to the Zoning Map is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** The City Zoning Map is hereby ordered to be changed to reflect the zone change from R-1-10 to PD-C on 10.83 acres generally located along the west side of River Road at approximately 1450 South Street and more specifically described on the attached property legal description, Exhibit "A".

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 6th day of August, 2015.

_____
Jonathan T. Pike, Mayor

ATTEST:

_____
Christina Fernandez, City Recorder

# Exhibit "A"

## Boulder Crossing Commercial Center
### ZONE CHANGE LEGAL DESCRIPTION

MAY, 30, 2015
LEGAL DESCRIPTION FOR ZONE CHANGE
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33,
TOWNSHIP 42 SOUTH, RANGE 15 WEST,
SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE WESTERLY LINE OF RIVER ROAD, SAID POINT BEING SOUTH 00°32'03" WEST 3,754.72 FEET ALONG THE SECTION LINE AND THE EXTENTION THEREOF AND WEST 1,893.67 FEET FROM THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE S17°11'21"E 783.96 FEET TO A POINT ON A 3220.90 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (WHOSE RADIUS POINT BEARS N70°41'45"E); THENCE SOUTHEASTERLY 425.54 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°34'12" TO A POINT ON A 5604.22 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (WHOSE RADIUS POINT BEARS S63°02'06"W); THENCE SOUTHEASTERLY 261.66 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°40'31" TO A POINT ON A 1833.47 FOOT RADIUS NON TANGENT CURVE TO THE RIGHT (WHOSE RADIUS POINT BEARS S66°44'50"W); THENCE SOUTHEASTERLY 176.03 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°30'03" TO A POINT ON A 30.33 FOOT NON-TANGENT CURVE TO THE RIGHT (WHOSE RADIUS POINT BEARS S72°20'34"W); THENCE SOUTHWESTERLY 34.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 65°05'36" TO A POINT ON A 1096.28 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (WHOSE RADIUS POINT BEARS S72°46'47"W); THENCE 32.94 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°43'19"; THENCE N89°05'20"W 291.36 FEET; THENCE N00°13'40"E204.00 FEET;THENCE N 69°07'20"W229.86 FEET; THENCE N06°57'44"W339.90 FEET; THENCE N89°40'14"W 22.03 FEET; THENCE N17°01'46"W492.58 FEET;THENCE N73°51'53"E3.36 FEET;THENCE N18°26'26"W280.55 FEET; THENCE N31°33'45"E 60.63 FEET; THENCE N21°07'44"E162.71 FEET; THENCE N11°44'03"E 78.45 FEET; THENCE S69°59'57"E10.14 FEET; THENCE N13°33'47"W 2.08 FEET; THENCE S59°49'22"E 20.32 FEET TO A POINT ON A 397.67 FOOT RADIUS CURVE TO THE LEFT (WHOSE RADIUS POINT BEARS N41°22'55"E); THENCE SOUTHEASTERLY 50.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°13'59"; THENCE S90°00'00"E 51.55 FEET TO THE POINT OF BEGINNING.

CONTAINS 471910.816 SF, OR 10.829 ACRES MORE OR LESS.

3C

# Zone Change Request

Case No. 2015-ZC-017
Boulder Creek Crossing
River Road

Current Zoning = R-1-10

Requested Zoning = PD-C

# Requested

1. Change the zoning on 10.83 acres (R-1-10 to PD-C)
2. Review 'Written Text' (overall project concept)*(Required per 10-8-4)*
3. Approve a "use list" for the entire center
4. Approve the design and layout of a car wash
5. Approve concept of vehicular ingress and egress (right-ins & right outs, deceleration zones, etc.)
6. Approve concept of phasing
7. Approve concept of overall project landscaping (each site will have specific landscape plans submitted with each project).

1450 S ST
1490 E CIR
COBBLESTONE
RIVER RD
LIZZIE LN
340 E CIR
1580 S ST
LIZZIE LN
1220 E CIR

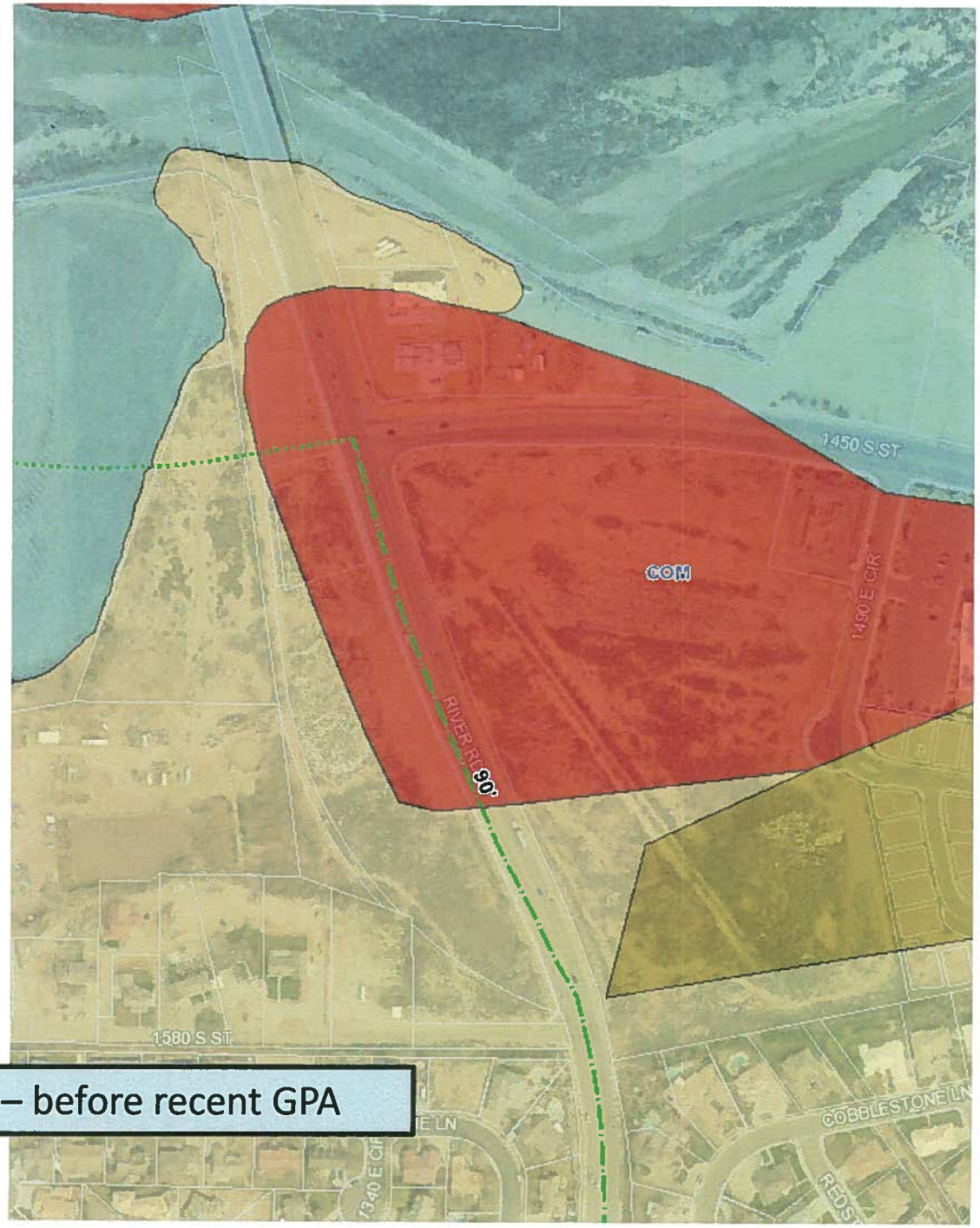
# Properties

Sheffco – 1.61 acres

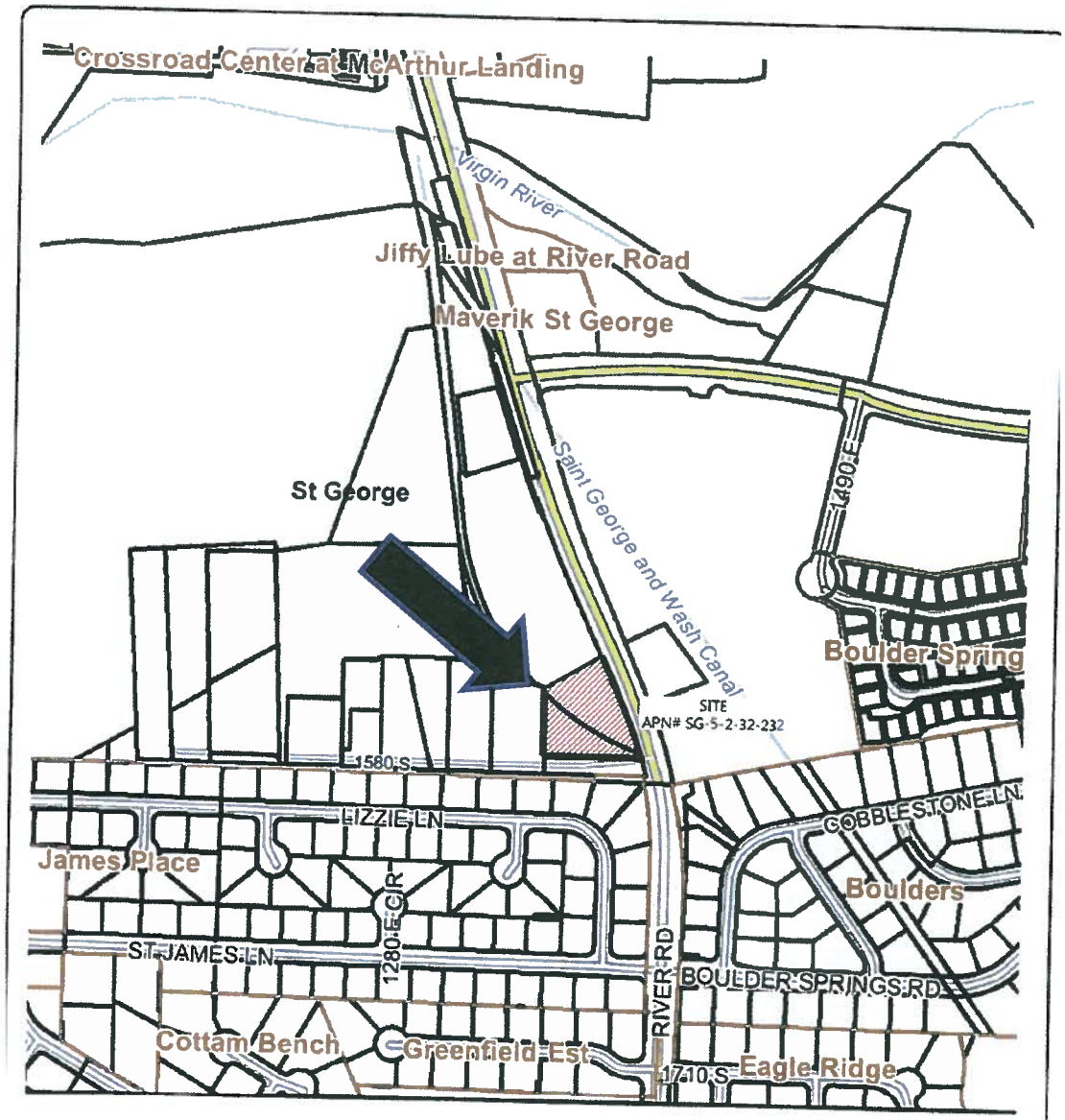
River Rd Inv LLC – 0.78 acres

River Rd Inv LLC – 0.38 acres

River Rd Inv LLC – 11.37 acres




General Plan – before recent GPA




0 400' 800'

SCALE: 1"=400'

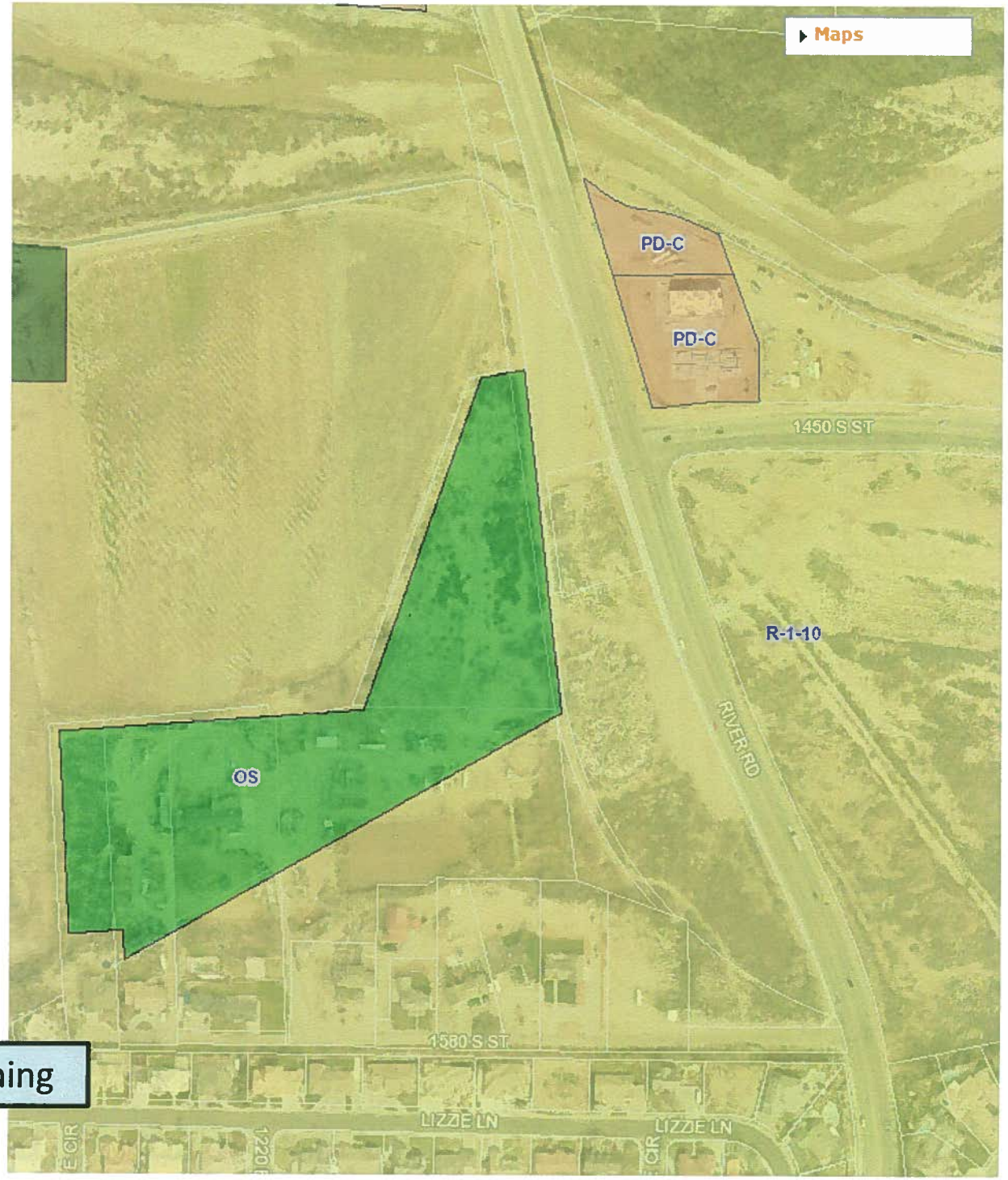
2015-GPA-001

Approx. 1.4 ac.

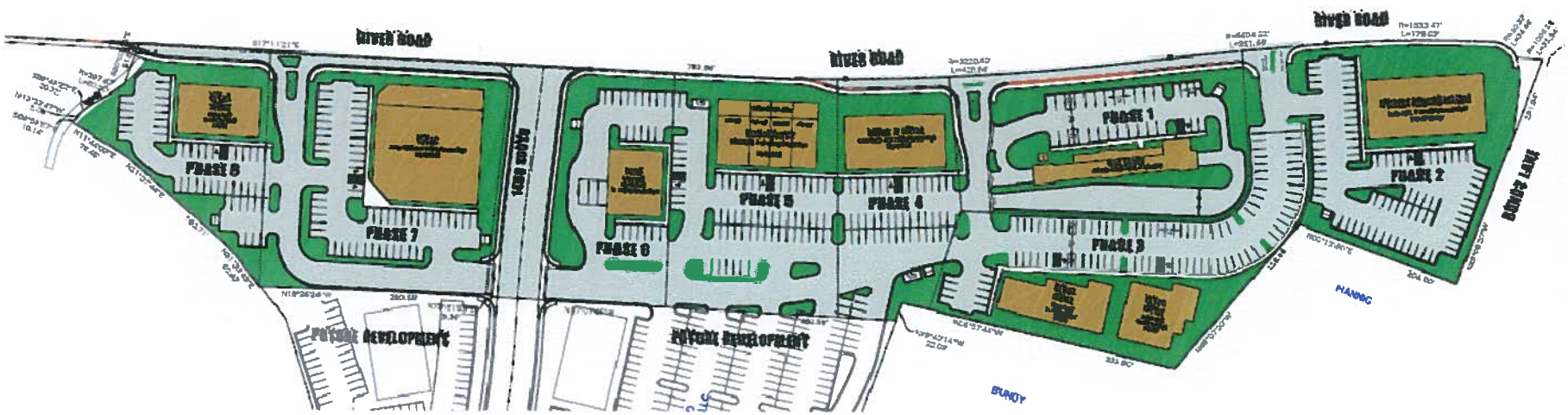
VICINITY MAP
FOR
BOULDER CREEK CROSSINGS
ST. GEORGE, UTAH

ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS

SHEET 1 OF 1 SHEETS




Current Zoning




## SITE DATA

1.) CURRENT ZONING = C-1 / CO
2.) GENERAL PLAN = COMMERCIAL
3.) ZONING OR GENERAL PLAN CHANGES = ZONE CHANGE TO PD-COMMERCIAL
4.) TOTAL AREA SQUARE FOOTAGE = 471,513.62 SQ.FT. = 10.83 ACRES = 100.35%
5.) BUILDING AREA = 69,339.20 FT. = 1.59 ACRES = 14.68%
6.) ROAD WAYS, PARKING LOT & SIDEWALKS AREA = 265,828.62 SQ.FT. = 6.09 ACRES = 61.22%
7.) LANDSCAPE AREA = 113,345 SQ.FT. = 2.61 ACRES = 24.10%
8.) BUILDING HEIGHT = UP TO 35' MAXIMUM
9.) PROPOSED USE = CAR WASH, RESTAURANT & 23,000 ALLOWED PER CITY ZONING
10.) RESTAURANT BUILDING WILL BE A FIRE SPRINKLED
11.) PARKING REQUIRED =

### CAR WASH

CITY STAFF RECOMMENDATION = 6 PARKING SPACES TOTAL REQUIRED
6 SPACES PROVIDED WITH 1 HANDICAP VAN ACCESSIBLE SPACE

### RESTAURANT SPACE

1 SPACE PER 100 SQ.FT.
7,800 SQ.FT. TOTAL = 78 SPACES REQUIRED
73 SPACES PROVIDED WITH 1 HANDICAP VAN ACCESSIBLE SPACE
4 ADDITIONAL SPACES PROVIDED FOR OUTDOOR SEATING

### RETAIL / OFFICE SPACE

1 SPACE PER 250 SQ.FT.
64,700 SQ.FT. TOTAL = 259 SPACES REQUIRED
259 SPACES PROVIDED WITH 7 HANDICAP VAN ACCESSIBLE SPACES

## PROPERTY INFO

PROPERTY ADDRESS = RIVER ROAD & 1450 SOUTH STREET
ST. GEORGE, UTAH 84790

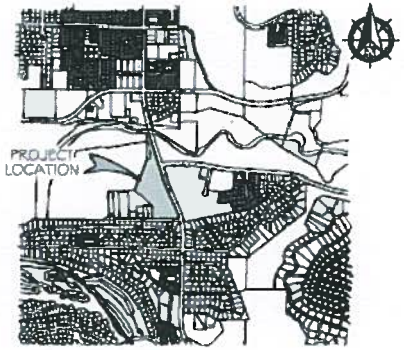
CIVIL ENGINEERS

PREMIER DESIGN & ENGINEERING
75 EAST 100 NORTH
APPLE, UTAH 84736
(435) 313-2367
CONTACT: MARK PONDER / ERIC VALMASSOI

OWNER & DEVELOPER

RIVER ROAD INVESTMENTS LLC
PO BOX 3111195
ST. GEORGE, UTAH 84771
(435) 703-1101
CONTACT: MIKE SHEMELLE

Call before you Dig
1-800-662-4111




VICINITY MAP

SITE PLAN BOULDER CREEK CROSSING
RIVER ROAD INVESTMENTS LLC
RIVER ROAD & 1450 SOUTH STREET
ST. GEORGE, UTAH 84790

PREMIER Design & Engineering

C1

Boulder Creek
Crossing
Restaurant
BANK
Campbell
&Associates

Boulder Creek
Crossing
SHOES
Office
Real Estate
Title
boutique
SANDWICH
Campbell
&Associates

# Written Text
# (Project Overview)

**Section 10-8-4: CONTENTS OF WRITTEN TEXT**

The written text shall include the following:

A. Use Of Land

B. Height And Elevations

C. Density

D. Schools, Churches And Open Spaces

E. Phasing Plan:

F. Topography

G. Landscape Plan

H. Area Reserved For Landscaping

I. Utilities

J. Refuse Storage Areas

K. Lighting Plan

L. Turning Space

M. Signs

# Boulder Creek Crossing

*A Planned Commercial Development at 1450 South River Road, St. George, Utah*

## 1.0 Introduction

### 1.1 Application for Zone Change

River Road Investments LLC is proposing to change the zoning for approximately 10.89 acres of R-1-10 property located near the intersection of River Road and 1450 South Street to Planned Development (PD) Commercial. It is our intent to utilize this land for the construction of a major neighborhood shopping center. The project will be known as Boulder Creek Crossing.

### 1.2 Background

The Sheffield Family, whose members are officers in River Road Investments LLC, has been heavily involved in the development of the southeast part of the City of St. George including The Boulders subdivision, Boulder Springs Villas gated community, the Summit Athletic Club and the Sun River Plaza office complex. During the Past 20 years, we have conducted and resolved many complex issues along the Virgin River, including Flood and erosion studies to determine the safe and appropriate way to build near the river.

We have also made substantial contributions toward the construction of public street systems, the reconstruction of the River Road Bridge, and for open spaces and trails. This has included the donation of properties and improvements constructing 1450 South Street and widening River Road.

Even though we live in and love this part of town and want to contribute heavily to its beauty and functionality, the millions spent on such infrastructure was also to eventually construct the major neighborhood shopping center on both sides of River Road and 1450 South. It has been a rough time putting these major community improvements in advance of development, in some cases as much as 20 years, but it is finally time to reap the benefits of such investments of time and money proceeding with the commercial development now that the recession is slowly recovering.

We are proud of the projects we have provided the community, and feel as though the Boulders Communities, the Sun River Plaza, and the Summit Athletic Club help make the City of St. George a better place to live. It is our intention to finish our long awaited contribution strong with this Neighborhood Shopping Center with surrounding recreation features to help make the city even better.

Since the early 1990's when the City of St. George Master Plan was adopted, this project was anticipated as being of great need to the surrounding residential neighborhoods. In theory, by bringing a major retail center to this area, local residences will have a number of food and retail services met without having to drive into and all around town to meet their retail needs, thus saving the town of substantial traffic and congestion, and to economize on time and fuel. This zone change application represents the fruition of all that long awaited planning.

### 1.3 Contents of Written Text

This written text will address the requirements of Section 10-10-2 of the City of St. George Zoning Ordinance, in the order outlined therein.

A

## 2.0 Use of Land

### 2.1 Land Use Breakdown

The Proposed land use breakdown for the project land area, building area, parking spaces, and landscape area is listed in Table 1. Refer to the Zone Change Site Plan for illustration.

| Land Area (Acres) | Building Area (Sq.Ft.) | Parking Spaces (Each) | Landscape Area (%) |
|---|---|---|---|
| 10.83 | 68,665 | 406 | 24.75 |

### 2.2 Proposed Commercial Uses

It is our intent to utilize the proposed building spaces for a variety of consumer retail services and/or professional offices, depending on the entities that are interested in purchasing lots within the project, as noted in the preceding paragraphs. ~~For this reason, the proposed uses include most that are listed in Section 10-10-2 of the City of~~ St. George Zoning Ordinance. Table 2 lists the proposed possible commercial uses for this project:

**Table 2 - Proposed Commercial Uses**

B

## 3.0 Building Height and Elevations

### 3.1 Proposed Building Features

The Zone Change Site Plan shows and outline of the proposed building footprint elevations and possible stories/heights. These are summarized in Table 3, below:

**Table 3 - Proposed Building Features**

| Building Footprint (Sq.Ft.) | Building Stories (Each) | Building Floor Space (Sq.Ft.) | Maximum Height (Feet) |
|---|---|---|---|
| 10,375 | 2 | 20,750 | 35 |
| 4,800 | 2 | 9,600 | 35 |
| 6,350 | 1 | 6,350 | 28 |
| 5,890 | 1 | 5,890 | 28 |
| 8,000 | 1 | 8,000 | 28 |
| 7,300 | 1 | 7,300 | 28 |
| 5,200 | 1 | 5,200 | 28 |
| 14,750 | 1 | 14,750 | 28 |
| 6,000 | 2 | 12,000 | 35 |
| **TOTALS 68,665** | **N/A** | **89,840** | **N/A** |

As seen in Table 3, most buildings in the project will be limited to one or two stories and will stay within the maximum 35-foot height requirement. Being one of the primary residences living in the area, we are concerned about protecting views of the temple and surrounding skyline. Since the property is located low in elevation in comparison to housing developments to the South which are much higher in elevation, it is not anticipated that the height of any buildings will restrict the views of existing residences.

### 3.2 Architectural Renderings and Materials Samples

Kim Campbell and Associates Architects is providing color and material samples as well as renderings with this submitted zone change package. The proposed building colors are complimentary earth tones with a light desert contemporary theme. Materials consist of reddish brown ledge stone, grayish brown tile roofs, various colored earth toned stuccos, dark bronze windows and iron features, and matching masonry block. The roof lines and store front locations will vary giving separate appearances in stores, much like the new stores at the mall, like Chico's and the Barnes and Noble book store. Our goal is to provide an environment that is upscale, timeless, and inviting for long-term appeal. At every opportunity, where practical, shade environments will be created with structures and landscaping to provide relief from the hot summer days.

Because the zoning in PD Commercial, each building will be examined individually. We are only providing conceptual and general guidelines now. More detail will be provided at the time of each building permit process.

C

## 4.0 Project Density

The Calculated project land area and building area is listed in Table 4. The table also includes the building area density as a percentage of the total land area. Refer to the Zone Change Site Plan for illustration.

**Table 4 - Project Density**

| Land Area (Acres) | Building Footprint (Sq.Ft. & %) | Building Floor Space (Sq.Ft. & %) |
|---|---|---|
| 10.83 | 68,665 Sq.Ft. // 14.50% | 89,840 Sq.Ft. // 19.04 % |

D

## 5.0 Schools, Churches and Open Spaces

No areas are currently being reserved in the proposed project limits for use as a church or open space. There is a space being considered by Stevens Henager College for a new facility. In the past we have contributed heavily to open space surrounding the project with our participation in conveying the Virgin River frontage and City of St. George master plan trail system easements to the City.

E

## 6.0 Phasing Plan

### 6.1 Project Phasing

As outlined on the Zone Change Site Plan, there are Phases designated for the construction of this project. Each Phase will have a preliminary plat, and each building pad being divided into an individual lot to include minimum parking spaces and landscape requirements. The Final Plats that follow the Preliminary Plats may be divided into additional phases, depending on the specific desires of each tenant. Flexibility needs to be anticipated since we do not know exactly what tenants will be found.

### 6.2 Proposed Boulder Creek Crossing

The west side of River Road is proposed for retail space taking advantage of the widened streets we helped provide years ago, and the high daily volume of traffic passing by. This parcel is owned by River Road Investments LLC, with some similar partners. Sheffield Development and Keystone Construction and Design have been hired to develop the site for investors. Additional land was purchased from the Bundy family, the old road was acquired by trade and donation with the City for trails and parks, and 3 more acres is being traded with the Taylor family to provide enough depth to make the project feasible.

Our current intention is to upgrade the traffic signal and extend 1450 South Street to the West of River Road. This will provide the access we need to the west side of our property, and also provide a new, safer access to River Road for the Taylor and Bundy parcels.

The phasing on this property will probably start with a Car Wash towards the South end. Other retail users along River Road will come in one phase at a time as the users purchase the pad sites or have them built to suit for long term lease. There are financial institutions, and restaurants also considering the location. The same sort of retail shops will be constructed as those featured on the renderings provided, with at least one of the rear ones anticipated to be two stories with office space upstairs.

A future phase to the West, not shown as part of this project, will have to be adopted in conjunction with a General Plan Amendment, due to its current zoning designation. We believe all of our property should be included in the PD Zone, and are willing to move forward with a General Plan Amendment, hopefully later this year. We believe that this area is certainly no location for residential housing due to noise, traffic, public safety, etc.; but is best suited for retail, office, light industrial (such as auto repair), and perhaps a retirement home or other multifamily dwelling. At present, we are most interested in a buyer who wants to build a modern Bowling and Entertainment center. That would do well for the families living in this proximity. We will hope for this as we move forward. Another interested buyer was a movie theater for this side of town. We also like this idea. Finally, a medium size retail box tenant may also show some interest, after we get the other retail stores in place.

F

## 7.0 Topography

The major topographic feature for this area is the Virgin River, located immediately north of the Boulder Creek Crossing site. Proximity to the river boundary along the Boulder Creek Crossing site is to be mitigated by future erosion protection improvements similar to those proposed in the Erosion Hazard Risk Assessment (Rosenberg Associates 5/21/2013). Improvements within the FEMA floodway will be limited to non-structures such as parking spaces and landscape so as not to interfere with potential flood elevations. Building structures will also be required to be elevated at least one foot above the 100-year base flood elevation.

G

## 8.0 Landscape Plan

The Zone Change Site Plan denotes areas designated for improved landscaping. Landscaping will be consistent with the Summit Athletic Club, comprised of low-water use plants and trees. Tree species planted along the public street right-of-way will match varieties approved in the City of St. George Street Tree Ordinance.

A detailed site landscape plan denoting plant layout, materials, sizes and details, as well as irrigation layout and details, will be submitted with the construction plans as each Phase and building site is developed.

H

## 9.0 Area Reserved for Landscaping

Table 1 in Section 2.1 denotes the percentage of area reserved for landscaping. The total project landscape density is equal to 24.75% of the total project area.

I

## 10.0 Utilities

Utilities to all the properties are available on or near the site. All new utilities will be underground. Some existing utilities may need to be relocated to accommodate the proposed site layout including the existing sewer trunk line currently crossing the property. An existing major above ground power line owned by Dixie Power has been partially relocated by Jiffy Lube and Maverik to cross River Road at the 1450 South Street intersection, and return south along the current path until future development requires adjustment.

Water and other underground utilities will be stubbed to the West side of River Road when 1450 South Street is extended to the West.

J

## 11.0 Refuse Storage Areas

All refuse storage areas will be screened so that materials stored within these areas shall not be visible from access streets, freeways and adjacent properties. Locations for refuse are shown on the Zone Change Site Plan, but will be determined and submitted with the construction plans as each Phase and building site is developed.

K

## 12.0 Lighting Plan

Each individual lot will submit a detailed lighting layout plan at the time of proposed development that shall be compatible with overall lighting theme. The general locations of proposed site light poles are not shown on the Zone Change Site Plan Typical site lighting will consist of a shoe box style light fixture mounted on an 18-foot high pole, spaced approximately 50 to 60 feet apart. Light styles will match the site lighting at the Summit Athletic Club. Building lighting will also be utilized with design complimentary to the site fixtures.

All proposed light fixtures shall contain a night sky cut off to minimize glare. All site lighting shall be spaced to illuminate less than on foot candle at property perimeters. Being one of the primary residences living in the area, we are concerned about protecting views of the temple and skyline, not only with proposed building heights but with lighting as well, keeping lighting down on the ground and away from our homes. As we have done with the Summit, and as we have provided for with Maverick, care will be exercised to ensure adequate but directed lighting on site, and not into our homes.

L

## 13.0 Access and Turning Space

### 13.1 Site Access

Access to the site will be from River Road and 1450 South Street in the approximate locations shown on the Zone Change Site Plan, and includes and extension of 1450 South Street to the West side of River Road. Additional acceleration and deceleration lanes will be provided for in a balanced manner, in accordance with recommendations of the City of St. George engineering staff, and as recommended by the traffic study that has been performed for this development. A copy of the Traffic Impact Analysis prepared by Jones & Demille Engineering is included with this Zone Change package.

### 13.2 Interior Site Access

The site layout as proposed by the Zone Change Site Plan have provided for safe and convenient turning space for cars sewer vehicles, refuse collection vehicles, firefighting equipment, etc. Parking areas have been configured to maximize more than one point of access, and to minimize "dead-end" situations.

M

## 14.0 Signing

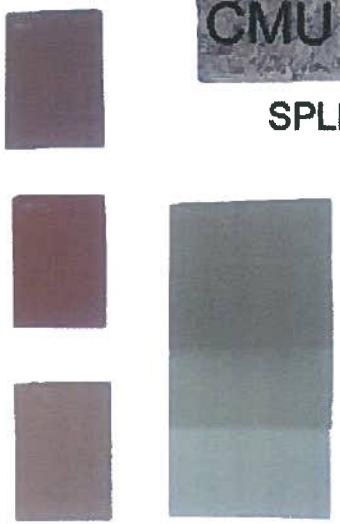
We anticipate that monument signage will be utilized at select locations within the project and viewable from River Road and 1450 South Street sufficient to direct traffic to the major shopping areas, but great care will be taken to have them done tastefully so as to maintain the integrity of our residential communities. We suspect a video style monitor sign facing north may be appropriate to keep the public informed without requiring so many off site signs. A uniform signage profile will be established to provide guidance consistent with our architectural standards. These will work with the city signage standards.

# Materials & Colors

# BOULDER CREEK COMMONS
# P.D. COLOR BOARD

CONCRETE ROOF TILE
Flat Profile Raked Finish -Flat Roof Membrane Tan

SPLIT FACE, HONED & NATURAL



STUCCO
Sand Finishes

STUCCO
Sand Finishes

# Site Plan

Eight (8) Phases shown

# Proposed Uses

# Boulder Creek Crossing

(10.83 acres)

**"USE LIST"**

*Note: Future ZCA (Zone Change Amendments) may be submitted for additional uses not listed below on a case by case basis*

Amusement / Recreation / Entertainment

Dance Studio
Martial Arts Studio
Health Club
Fitness Center
Indoor entertainment activities such as paintball, bowling alley, miniature golf, arcade, etc.
Theater

Animal Services (indoor only)

Small Animal boarding
Animal Hospital
Veterinarian Clinic
Pet store, pet grooming

Automotive (indoor only)

Auto parts sales (indoor only)
Automobile rental
Auto repair, including paint, body, and fender, brake, muffler provided conducted indoors
Tire sales (indoor)
Car Wash (excluding open bays & manual car wash)

Business & Financial

Bank or financial institution
Professional or business office (real estate, travel, accounting, attorney, etc.)

Food Service

Bakery
Catering
Delicatessen
Ice cream parlor
Restaurant, drive-in
Restaurant, sit down

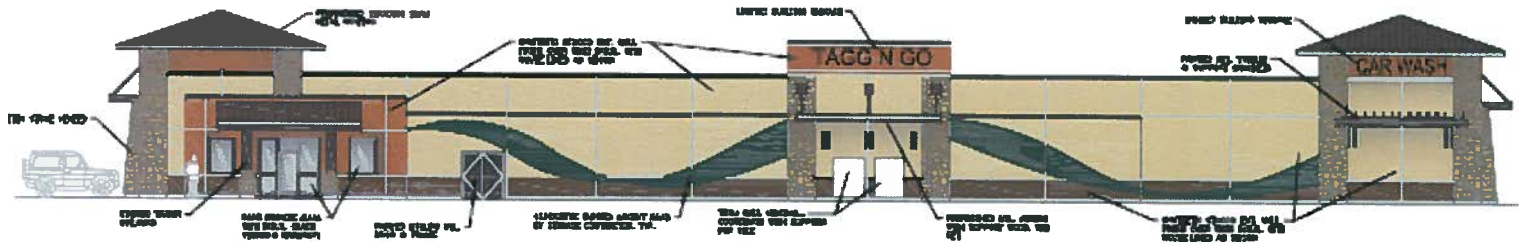
Non-Industrial Manufacturing (in shop)
Candy Shop

Medical, Dental, Counseling Services
Counseling Center (mental health, alcohol, drugs)
Laboratory, dental or medical
Medical / Dental office or clinic
Optometrist, optician

Retail Sales (indoors)
Antique store
Athletic & sporting goods
Bookstore
Department store
Drive-thru sales (pharmacy, dairy, etc.)
Florist
Furniture
Appliances
Office supplies
Paint or wall paper
Pharmacy
Retail goods establishments
Super market / grocery
Gas Station
Convenience market with gas pumps

Service Business (indoor only)
Barber Shop
Beauty Shop (incidental body piercing)
Carpet & rug cleaning
Child nursery, day care, preschool (limited outdoor with staff approval)
Educational institutions, schools, college, learning center, trade school
Janitor service & supply
Laundry or dry cleaners
Locksmith
Mail service
Massage establishment
Permanent cosmetics (as a secondary use to barber shop or beauty shop)
Pest Control
Pet grooming
Printing

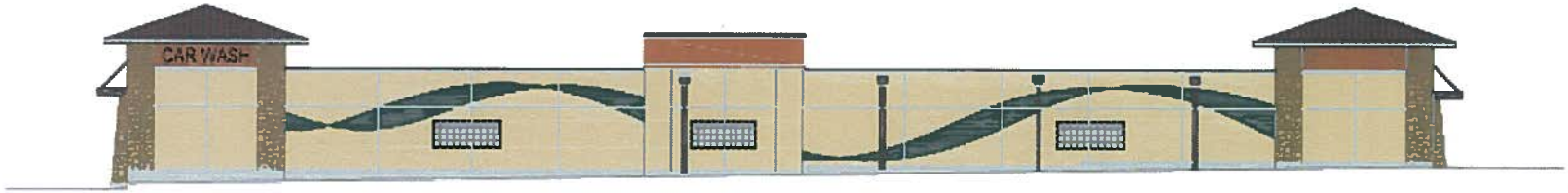
# Car Wash




EAST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION




WEST ELEVATION

VDG
VINCENT DESIGN GROUP, INC.
ARCHITECTS AND PLANNERS

TAGG N GO CAR WASH

ELEVATIONS

A-2.00

DRAFT

Agenda Item Number : 3D

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-22 11:07:23 |
| **Applicant** | Sun River St George Development |
| **Quick Title** | Public Hearing, GP Amendment, and Ord From E and MDR to HDR |
| **Subject** | Consider a General Plan Amendment from E (Employment) and MDR (Medium Density Residential) to HDR (High Density Residential) on approximately 51.95 acres. The property is generally located at approximately 1280 W 4700 S (Southeast of the intersection of Sun River Parkway and Arrowhead Canyon Drive). |
| **Discussion** | The applicant is requesting HDR (10-22 du/ac), in order to accommodate a multifamily residential 55 and older development. The GPA will provide guidance on future zone changes. Several concerns were expressed in the public hearing regarding height of buildings, density, and traffic. The project will not be associated with the current Sun River development/HOA. Planning Commission recommends approval. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | General Plan amendment to allow high density for this property east of the Sun River development adjacent to the I-15 freeway. Sun River residents were concerned about traffic, height of buildings, etc. Planning Commission recommended the change to the General Plan. |
| **Action Taken** | |
| **Requested by** | John Willis |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

# General Plan Amendment

| | |
|---|---|
| PLANNING COMMISSION AGENDA REPORT: | **07/14/2015** |
| CITY COUNCIL SET DATE: | **07/16/2015** |
| CITY COUNCIL MEETING: | **08/06/2015** |

GENERAL PLAN AMENDMENT: PUBLIC HEARING
**The Villas at Sun River St George**
Case No. 2015-GPA-006

| | |
|---|---|
| **Request:** | To amend the General Plan from E (Employment) and MDR (Medium Density Residential) **to HDR** (High Density Residential) on approximately 51.95 acres. The property is generally located at approximately 1280 W 4700 S (Southeast of the intersection of Sun River Parkway and Arrowhead Canyon Drive). This proposal is to change the General Plan to allow for the future submittal of a zone change to allow residential development. |
| **Background:** | The General Plan may be amended by a GPA (General Plan Amendment) four (4) times a year (in January, April, July, & October) and this requires a complete application submittal approximately a month in advance (*to allow adequate processing and noticing time*).<br><br>This project will be independent of the existing Sun River community. |
| **PSR:** | June 2, 2015 |
| **Property Owner:** | SITLA (State and Institutional Trust Lands Administration) |
| **Agent:** | Mr. Kyle Pasley |
| **Applicant:** | Sun River St George Development L.C. |
| **Representative:** | Mr. Scott McCall |
| **Area:** | 51.95 acres |
| **Property:** | Generally located at approximately 1280 W 4700 S (*Southeast of the intersection of Sun River Parkway and Arrowhead Canyon Drive*). |
| **Current Zones:** | PD-R (Planned Development Residential) and PD-C (Planned Development Commercial) |
| **Current General Plan:** | E (Employment), MDR (Medium Density Residential), and PK (Park) |
| **Proposed General Plan:** | HDR (High Density Residential) 10 or more du/ac |

**Process:** The Planning Commission is responsible for recommending to the City Council a General Plan for the city, or any amendments to an approved General Plan. The General Plan is a guide for land use decisions and contains various policies to help direct decisions related to land use and development of the city.

**Comments:** Note that during the PSR (Planning Staff Review) meeting, staff expressed concern regarding water availability for this project. On the submitted General Plan Amendment application (see attached), Section II 'Additional Information' item #10 utility capacity, it is stated that at the time of the writing it was unclear if capacity would be available, but SITLA and the Water Department are discussing the matter and the applicant is confident it will be resolved before a Zone Change application will be submitted.

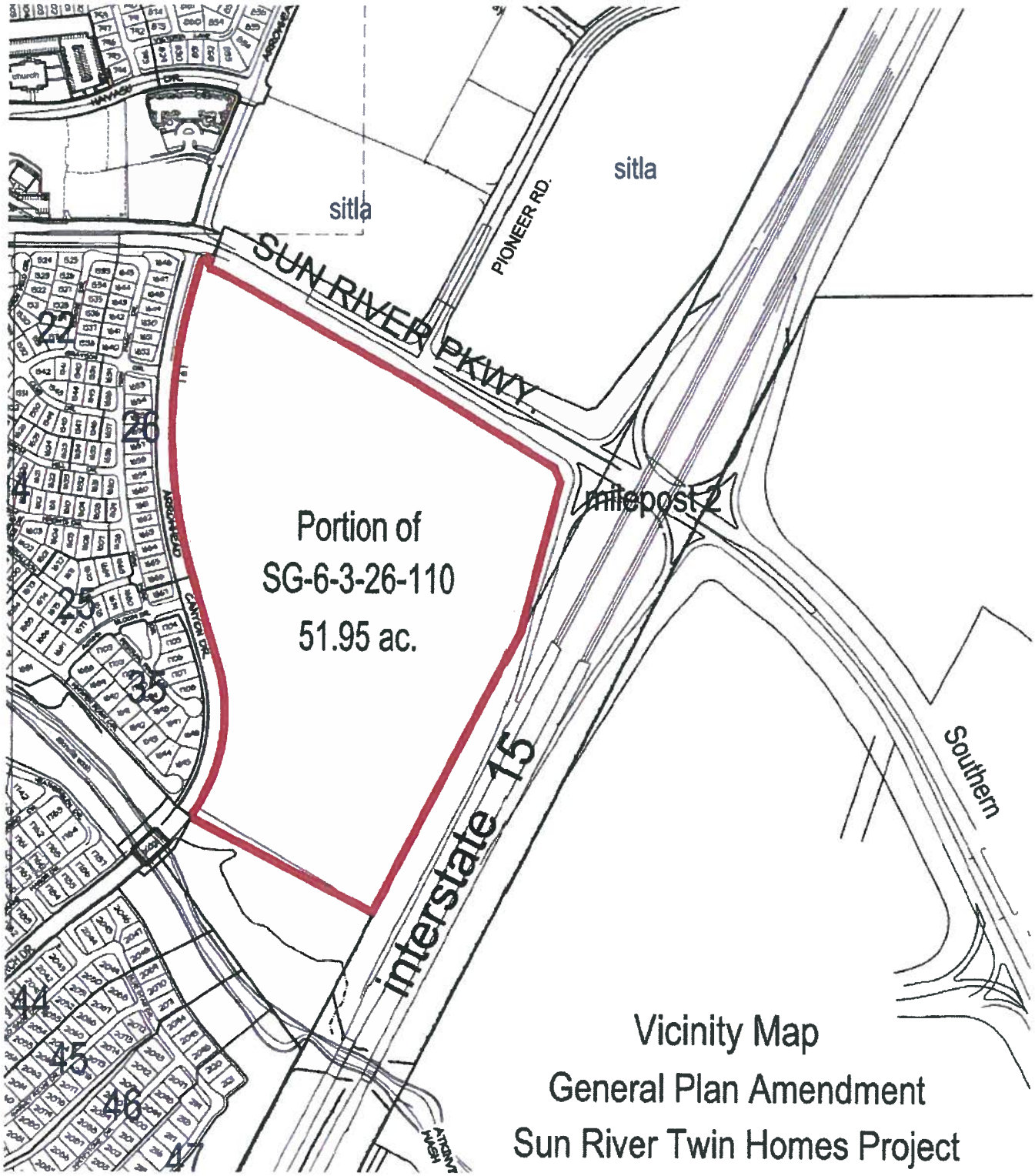
**P.C.:** The Planning Commission made a motion recommending approval to the City Council of a GPA (General Plan Amendment).

**Motion**

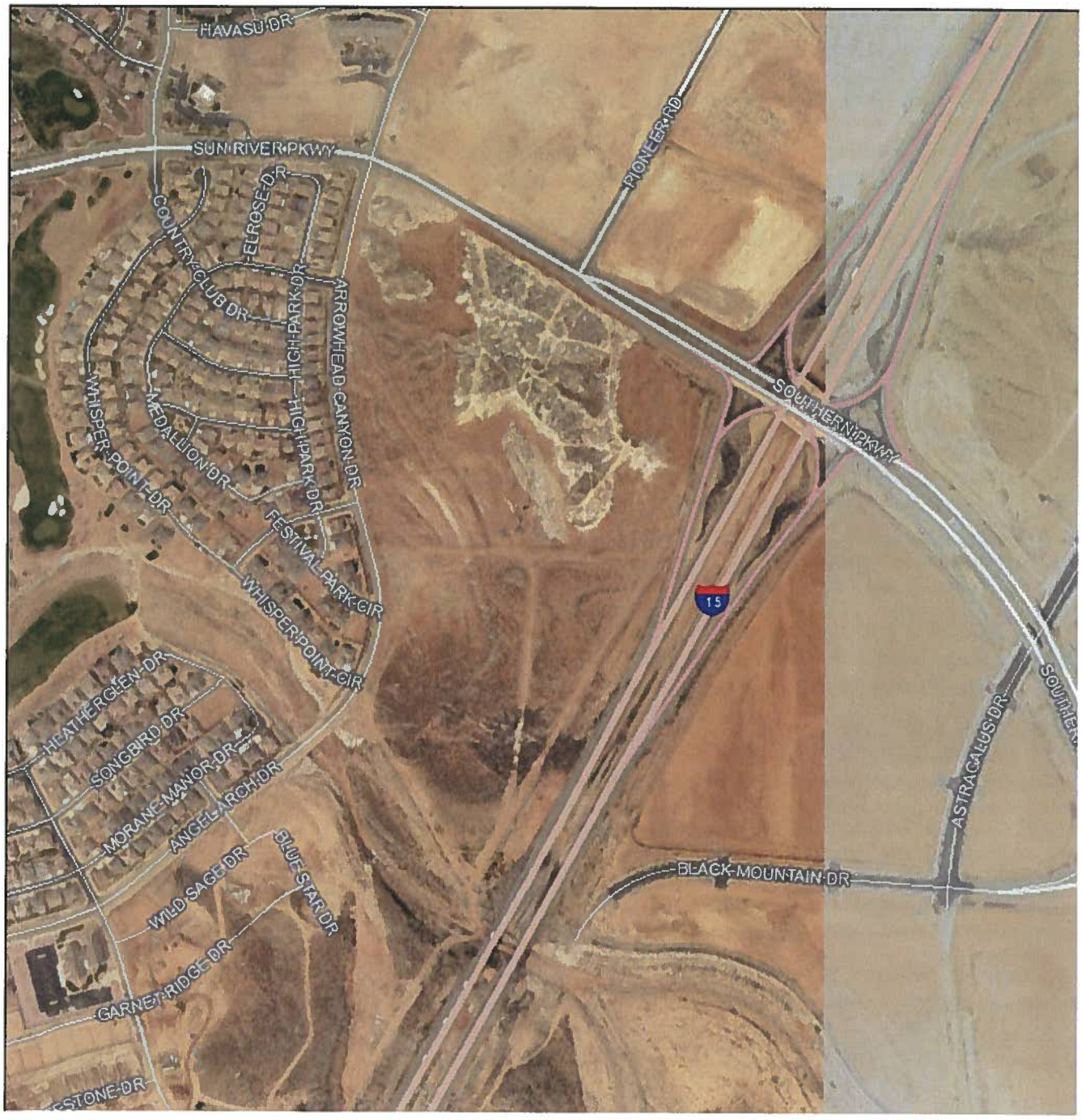
The Planning Commission recommends the City Council:

"Amend the General Plan from E (Employment) and MDR (Medium Density Residential) **to HDR** (High Density Residential) on approximately 51.95 acres. The property is generally located at approximately 1280 W 4700 S (Southeast of the intersection of Sun River Parkway and Arrowhead Canyon Drive)."

# SITE

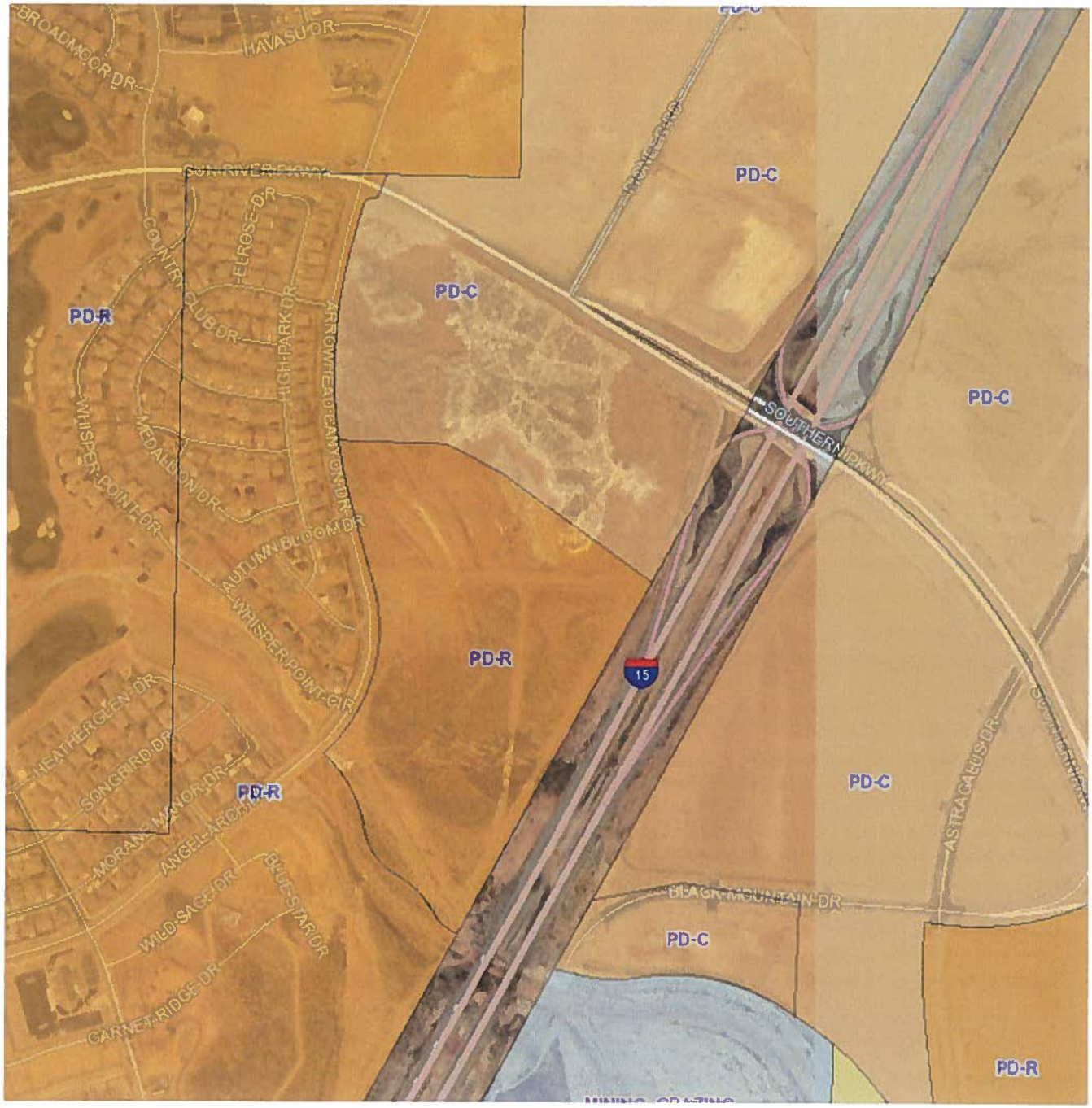

sitla
sitla
PIONEER RD.
SUN RIVER PKWY.
Portion of
SG-6-3-26-110
51.95 ac.
milepost 2
Interstate 15
Southern
Vicinity Map
General Plan Amendment
Sun River Twin Homes Project

# AERIAL


HAVASU DR
SUN RIVER PKWY
PIONEER RD
COUNTRY CLUB DR
ELROSE DR
HIGH PARK DR
ARROWHEAD CANYON DR
SOUTHERN PKWY
WHISPER POINT DR
MEDALLION DR
HIGH PARK DR
FESTIVAL PARK CIR
WHISPER POINT CIR
15
HEATHERGLEN DR
SONGBIRD DR
MORANE MANOR DR
ANGEL ARCH DR
ASTRAGALUS DR
BLACK MOUNTAIN DR
WILD SAGE DR
BLUE STAR DR
GARNET RIDGE DR

# EXISTING GENERAL PLAN

# EXISTING ZONING



# APPLICATION

**GENERAL PLAN AMENDMENT**
**APPLICATION & CHECKLIST**

ZONE CHANGE REQUESTS WHICH ARE *NOT CONSISTENT* WITH THE GENERAL PLAN SHALL SUBMIT THIS APPLICATION TO THE COMMUNITY DEVELOPMENT DEPARTMENT

## I. PROPERTY OWNER(S) / APPLICANT & PROPERTY INFORMATION

LEGAL OWNER(S) OF SUBJECT PROPERTY: STATE OF UTAH (KYLE PASLEY)
MAILING ADDRESS: 2303 N. CORAL CANYON BLVD., WASHINGTON, UT 84780
PHONE: (435) 652-2950 CELL: FAX: 652-2952
APPLICANT: SUN RIVER ST. GEORGE DEV. L.C.
(If different than owner)
MAILING ADDRESS: 1404 W. SUN RIVER PKWY. ST. GEORGE, UT 84790
PHONE: (435) 673-4300 CELL: 215-8316 (SCOTT) FAX: 634-1830
EMAIL ADDRESS(ES): scott@sunriver.com & kylepasley@utah.gov
CONTACT PERSON / REPRESENTATIVE: Scott McCall 215-8316
(i.e. Developer, Civil Engineer, Architect; if different than owner)
MAILING ADDRESS: SAME AS APPLICANT
PHONE: CELL: FAX:
EMAIL ADDRESS(ES): scott@sunriver.com

A general description of the property location is as follows: (Give approx. street address, general location etc., and attach a vicinity map or property plat showing the subject property(s) and the surrounding areas.) **Include a 24"x 36" (Arch D – paper size) site plan, highlighting the subject property(s) to be changed, suitable for presentation in public meetings.** APPROX. 1280 W. 4700 S. SE OF THE INTERSECTION OF SUN RIVER PKWY AND ARROWHEAD CANYON DR.

**The General Plan Amendment becomes effective on the hearing date if approved by the City Council. General Plan Amendment hearings are held only *four (4) times per year* (typically the 1st meeting of the month). A meeting will be scheduled for a Planning Commission hearing in one of the following months: January, April, July, & October.**

**FOR OFFICE STAFF USE ONLY**
CASE #: 2015-GPA-004 FILING DATE: 6/9/15 RECEIVED BY: RECIEPT #:
***FEE: $500 (Filing fee and 1st acre) + $50.00 per ac for 2-100 ac and $25 per ac 101-500 and $10.00 per ac 501-plus**

## II. ADDITIONAL INFORMATION

Provide the following information: **(Attach additional sheets if necessary)**

1. What is the present zoning on the property? PD-C (Employment 1) & PD-R
2. What is the current General Plan designation of the property or area? Employment 1 (com) & MDR
3. What is the proposed General Plan designation for the property or area? HDR
4. What is the purpose for amending the General Plan? (e.g. describe the proposed project) TO UPDATE THE GEN. PLAN BY ELIMINATING THE EMPLOYMENT 1 COMMERCIAL USE AND CHANGE THE PROPERTY TO HDR TO ACCOMODATE RESID. PRODUCTS FROM SINGE FAMILY UNITS TO MULTI FAMILY UNITS.
5. How will the proposed project affect adjoining properties? THE RESIDENTIAL USE IS MORE COMPATIBLE WITH EXISTING ADJACENT PROPERTY 23.2 AC. OF THIS PROPERTY IS ALREADY APPROVED FOR 16 units/ac IN THE ATKINVILLE INT. ZC. P.D.
6. Total acreage of the proposed General Plan change: 51.95 acres
7. Does the subject area/property contain any slopes above 20%, floodplains, or wetlands? If so, please describe: THERE ARE A FEW ACRES OF "BADLANDS" THAT WOULD MEASURE 20%, HOWEVER THEY ARE NOT SUBJECT TO HILLSIDE REVIEW (STATE LANDS)
8. Has a Traffic Impact Study or Traffic Analysis been completed to determine any traffic impacts?
   Yes_____ No X
   ***IF YES**, submit the Traffic Impact Study with the application for review by Traffic Engineering.*
   ***IF NO**, a Traffic Impact Study (TIS) may be required (if determined necessary at Planning Staff Review) to be submitted with this General Plan amendment application or a later Zone Change application.* WE ANTICIPATE HAVING A TIS FOR THE ZONE CHANGE
8. Will any Master Planned roads be affected by this General Plan Change? ARROWHEAD CANYON DR. WILL BE FULLY IMPROVED TO A 66' RD SECTION INCLUDING A CITY TRAIL ON THE EAST SIDE.
9. Are neighborhood meetings needed to consider the proposed amendment to the General Plan?
   Yes _____ No X If yes, please explain: WE DON'T THINK ELIMINATING THE EMPLOYMENT LAND WILL BE OPPOSED.

10. Is the necessary utility capacity available (water, power, sewer and drainage) to serve the zone change parcel? Yes _____ No _____ UNCLEAR
Please describe the projected demand for utility services:
A WATER DEPT. STAFF HAS EXPRESSED CONCERN. HOWEVER, THIS GEN. PLAN. AMENDMENT PROPOSED WON'T MAKE IT MORE DIFFICULT. WATER AVAILABILITY IS BEING DISCUSSED WITH SITLA & THE WATER DEPT. WE ARE CONFIDENT THIS WILL BE RESOLVED BEFORE ZONE CHANGE.

## III. SUBMISSION CHECKLIST FOR GENERAL PLAN AMENDMENT

**(A COMPLETE GENERAL PLAN AMENDMENT APPLICATION MUST BE SUBMITTED A MINIMUM 6 WEEKS PRIOR TO A REGULARLY SCHEDULED PLANNING COMMISSION HEARING IN JANUARY, APRIL, JULY, & OCTOBER)**

Development/Project Name *(if applicable)* SUN RIVER TWIN HOMES PROJECT
*(Project name **must be** previously approved by the Washington County Recorder & City Planning Department)*
Developer/Property Owner SUN RIVER ST. GEORGE DEV. / SITLA Phone No. 673-4300
Contact Person/Representative SCOTT MCCALL Phone No. 215-8316
Licensed Surveyor *(if applicable)* _____ Phone No. _____

## GENERAL PLAN AMENDMENT PROCEDURE

**Step #1** **Meet with Planning Staff Review (PSR) – Meets every Tuesday at 8:30 a.m. Call* Community Development at 627-4206 to be scheduled for this meeting.**
**Note: Call at least one day in advance to schedule.*

**Step #2** **Document Submission Checklist***
****Note: This application will be considered incomplete without the following documents***

- ☐ This General Plan Amendment application form completed and signed by all owners;
- ☐ Appropriate Filing Fee **Filing Fee: $500 (filing fee and 1st acre) + $50.00 per acre for 2-100 acre and $25 per acre 101-500 and $10.00 per acre 501-plus**
- ☐ County ownership plat with the boundary of the proposed general plan amendment outlined;
- ☐ List of property owners within **500' feet and two sets** of mailing labels;
- ☐ **Radius Map** of property owners within 500' feet;
- ☐ Site Plan showing the area to be changed highlighted – minimum size 24" x 36" (Arch D);
- ☐ 8-1/2" x 11" reduction of the site plan;
- ☐ An **electronic copy** (CD or E- mail) of the site plan in JPEG, TIFF or PDF format.

## Step #3 Planning Commission and City Council Hearings

Planning Commission public hearings are heard on the 2nd and 4th Tuesday of the month at 5:00 p.m. The application, a site plan highlighting the area of the proposed change, and a County ownership Plat must be complete and submitted at least 6 weeks prior to the hearing. Incomplete or inaccurate applications will not be accepted or scheduled. City Council sets a public hearing date after a recommendation for approval from the Planning Commission, and then there is a 14-day advertising period prior to the public hearing. City Council usually meets on the 1st and 3rd Thursdays of the month

**Hearing Dates:**

Planning Commission_____
City Council Set Date_____
City Council Hearing Date_____
Council Action_____

**Filing Fee: $500 (filing fee and 1st acre) + $50.00 per acre for 2-100 acre and $25 per acre 101-500 and $10.00 per acre 501-plus**

## IV. APPLICANT AGREEMENT

**We the undersigned applicant(s)** KYLE PASLEY, AGENT FOR SITLA; SCOTT MCCALL FOR SUN RIVER **(is)(are) the owner(s)** _____ **or (agent) of the following property(s) and request the General Plan Amendment change as described above.**

| | |
|---|---|
| Signature | 2303 N. Coral Canyon Blvd. Address |
| Signature | 1424 W. SUN RIVER PKWY. ST. GEORGE UT 84790 Address |
| Signature | Address |
| Signature | Address |
| Signature | Address |
| Signature | Address |

**Attach additional sheets if necessary for additional owners.**

Z:\Common\GP Amendments\GP Application\General Plan Amendment Application_REV-04-30-2009.doc

Revised 04/30/2009

**ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE CITY GENERAL PLAN LAND USE MAP FOR 51.95 ACRES LOCATED AT APPROXIMATELY 1280 W 4700 S AND OWNED BY SITLA**

**WHEREAS**, the applicant / property owner has requested a change to the General Plan Land Use Map for property located at approximately 1280 W 4700 S (Southeast of the intersection of Sun River Parkway and Arrowhead Canyon Drive). from E (Employment) and MDR (Medium Density Residential) **to HDR** (High Density Residential); and

**WHEREAS**, the City Council held a public hearing on the requested change to the Land Use Map on August 6, 2015; and

**WHEREAS**, the Planning Commission held a public hearing on July 14, 2015, and

**WHEREAS,** the City Council has determined that a change to the General Plan is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** The General Plan Land Use Map is hereby amended by changing the land use designation from E (Employment) and MDR (Medium Density Residential) **to HDR** (High Density Residential) Exhibit 'A' attached.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 6th day of August, 2015.

_____

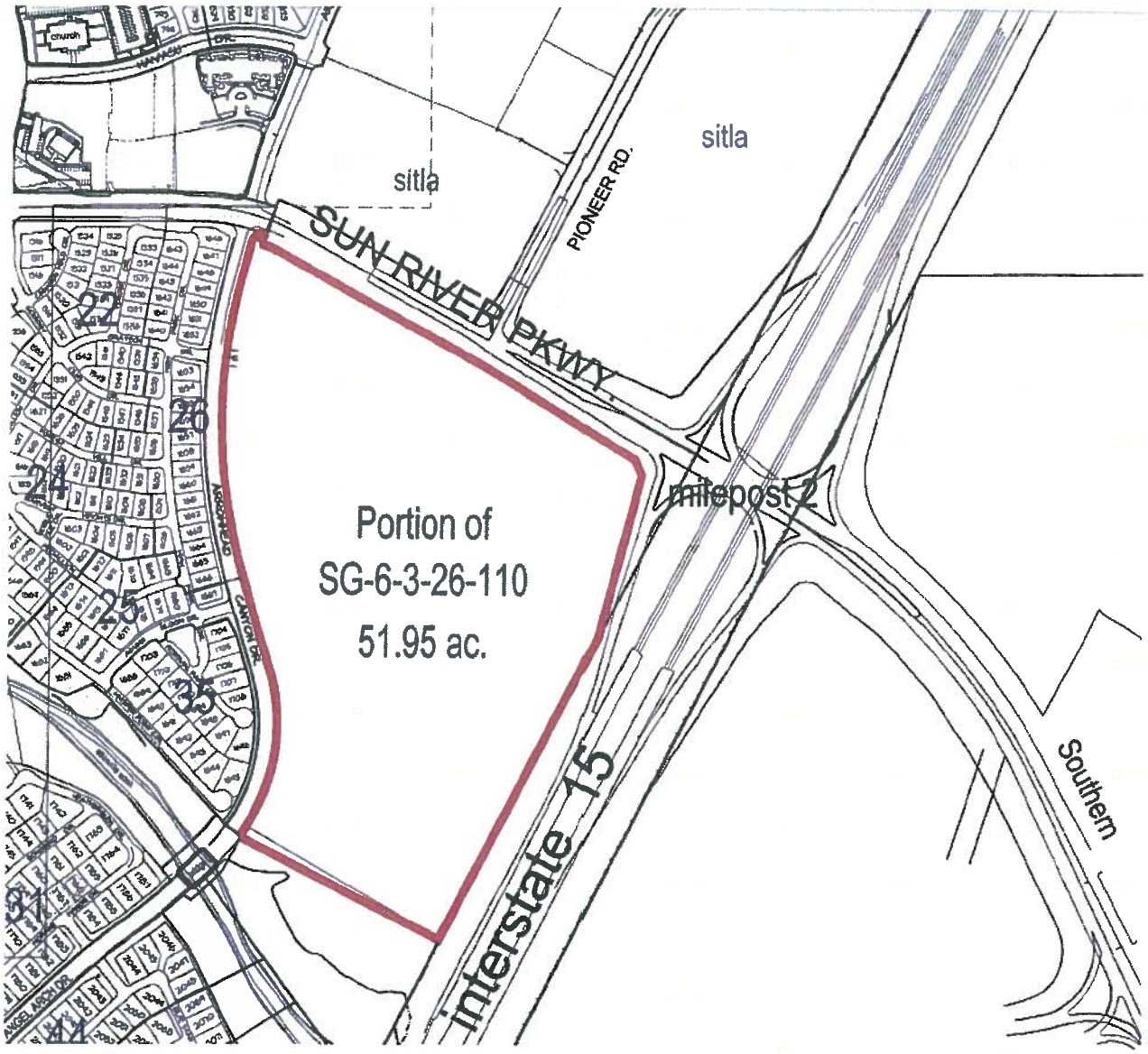
Jonathan T. Pike, Mayor

ATTEST:

_____

Christina Fernandez, City Recorder

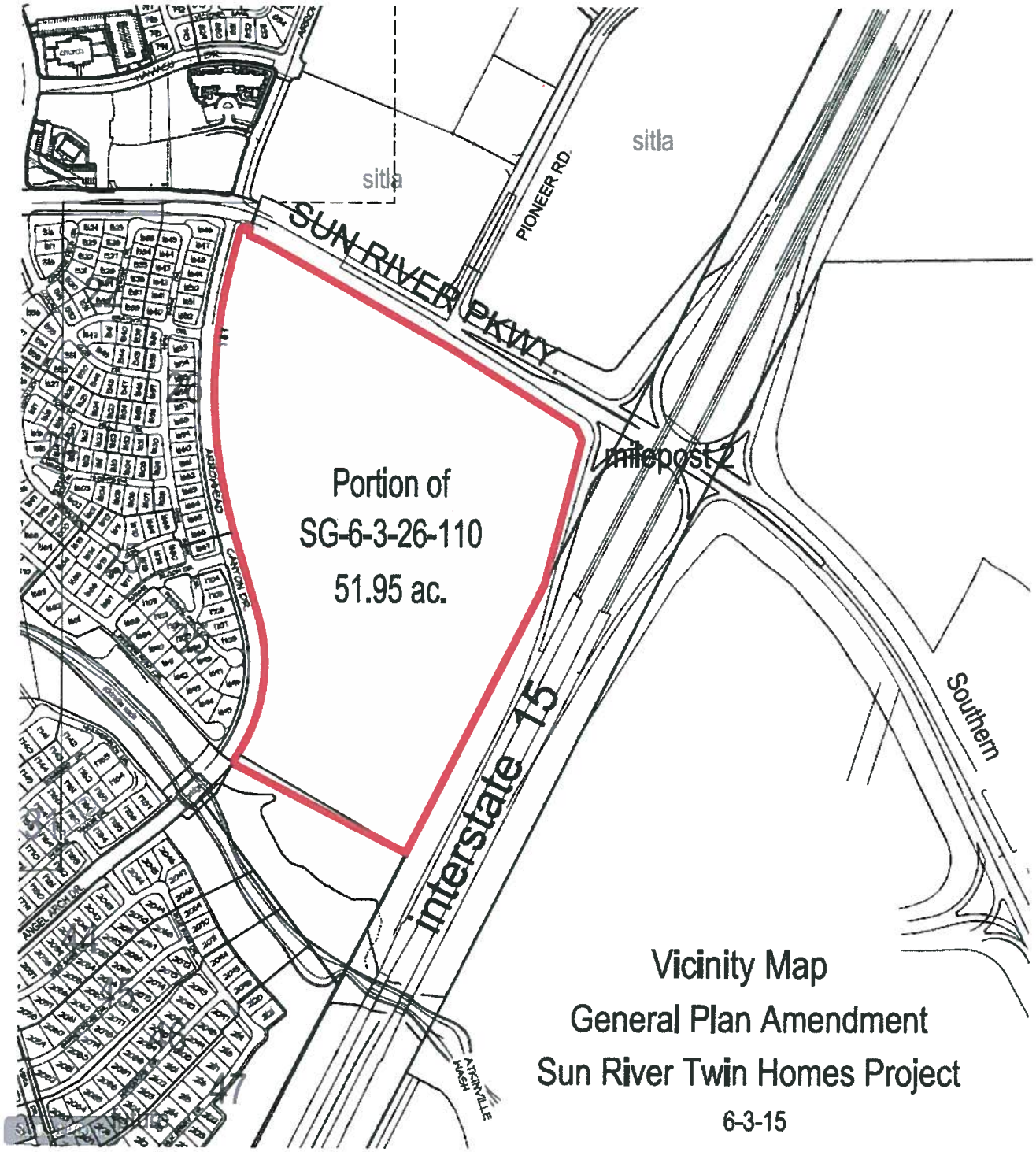
# EXHIBIT "A"


church
sitla
sitla
PIONEER RD.
SUN RIVER PKWY
22
26
24
25
35
31
44
Portion of
SG-6-3-26-110
51.95 ac.
milepost 2
Interstate 15
Southern

3D

# 2015-GPA-006
# E and MDR
# to
# HDR

*(for the proposed "The Villas at Sun River St George" – Twin Home Project)*




Vicinity Map
General Plan Amendment
Sun River Twin Homes Project
6-3-15

Aerial
HAVASU DR
SUN RIVER PKWY
PIONEER RD
COUNTRY CLUB DR
ELROSE DR
HIGH PARK DR
ARROWHEAD CANYON DR
WHISPER POINT DR
MEDALLION DR
FESTIVAL PARK CIR
WHISPER POINT CIR
SOUTHERN PKWY
15
HEATHERGLEN DR
SONGBIRD DR
MORANE MANOR DR
ANGEL ARCH DR
BLUE STAR DR
WILD SAGE DR
GARNET RIDGE DR
WHITESTONE DR
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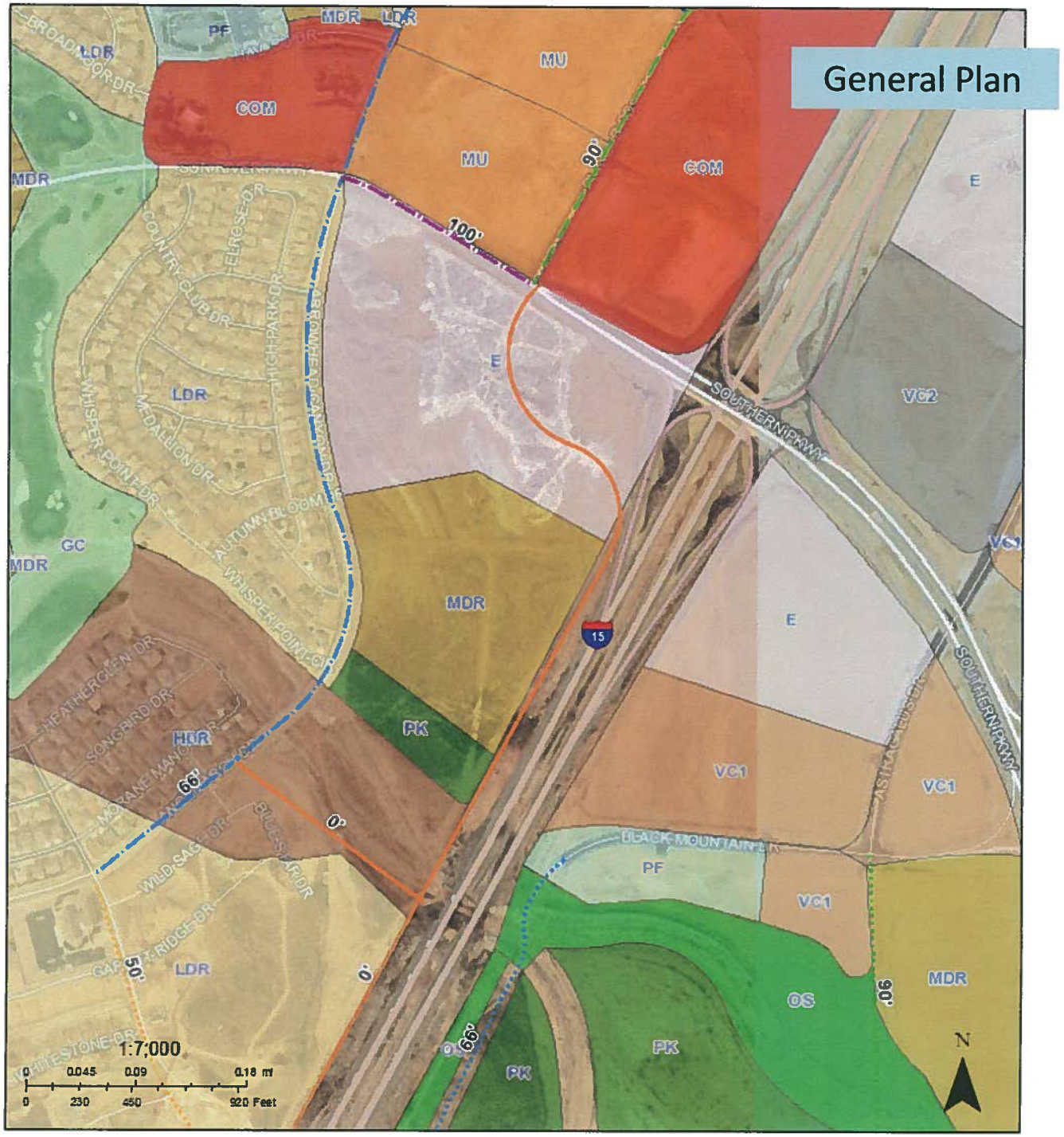
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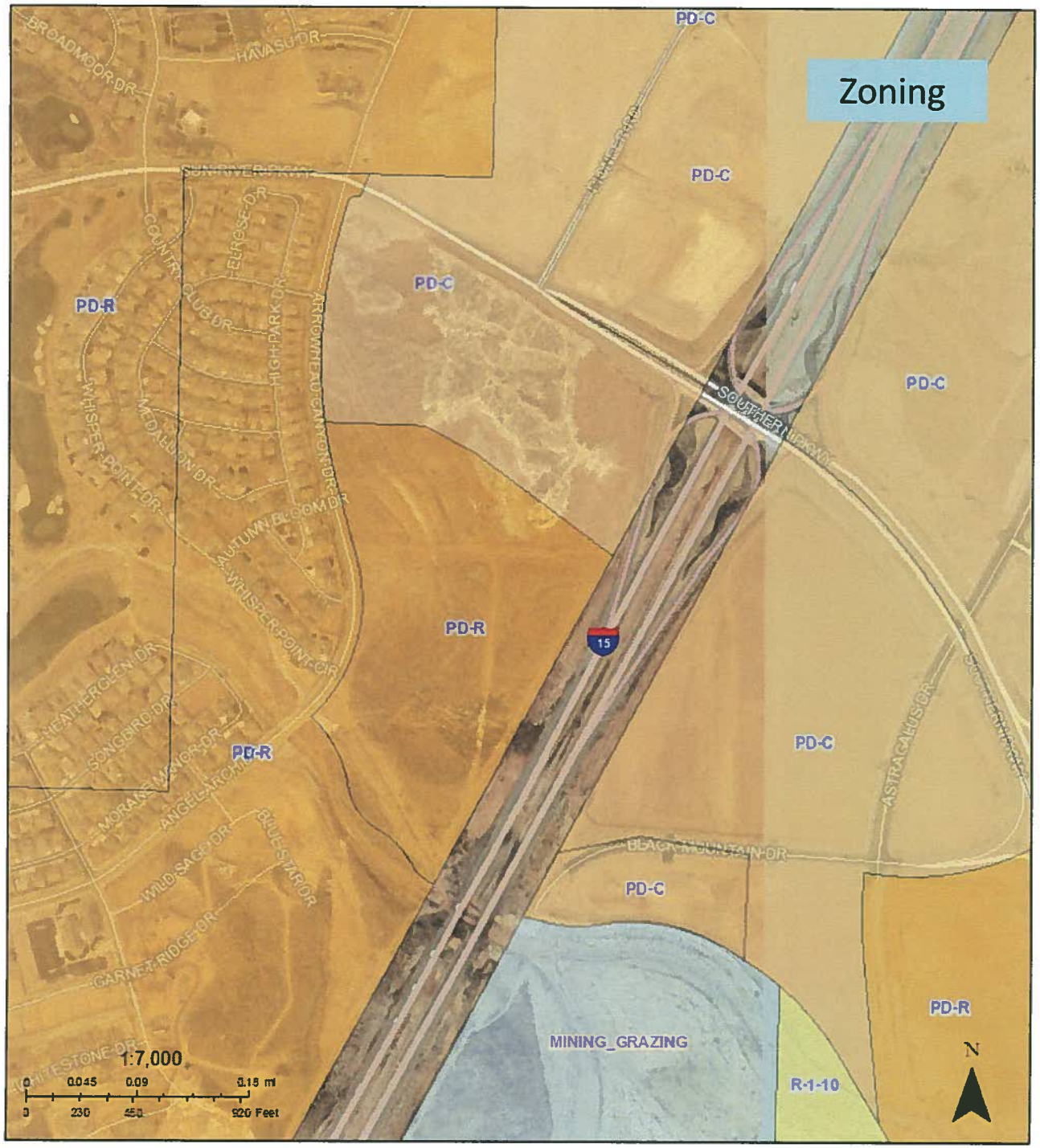
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MINING_GRAZING
R-1-10
BROADMOOR DR
HAVASU DR
SUN RIVER ROAD
COUNTRY CLUB DR
HIGH PARK DR
ARROWHEAD CANYON DR
WHISPER POINT DR
AUTUMN BLOOM DR
HEATHERGLEN DR
SONGBIRD DR
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DRAFT

Agenda Item Number : 3E

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-22 10:35:48 |
| **Applicant** | SITLA (State Institutional Trust lands Administration) |
| **Quick Title** | Public Hearing, Zone Change, and Ord to Amend the PD-C |
| **Subject** | Consider â€˜Zone Change Amendment 3â€™ to amend the â€˜Atkinville Master Planâ€™ in the PD-C (Planned Development Commercial) zoning district. The project is located east of the I-15 Freeway and north of the Southern Parkway; it is property located within Interchange 2. |
| **Discussion** | The applicant is requesting to modify several aspects of the Atkinville Master Plan. The proposal is to modify driveways, amend the vehicular access management plan, and revise certain areas of text. Planning Commission recommends approval. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Minor adjustment to the Master plan for SITLA on the east side of the I-15 freeway for the Southern Parkway. This is for a proposed commercial development in that area. Planning Commission recommends approval. |
| **Action Taken** | |
| **Requested by** | John Willis |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

# Zone Change Amendment

PLANNING COMMISSION AGENDA REPORT: **06/23/2015**
CITY COUNCIL SET DATE: **07/09/2015**
CITY COUNCIL MEETING: **08/06/2015**

ZONE CHANGE AMENDMENT
**Atkinville Amendment 3**
Case No. 2015-ZCA-015

**Request:** Consider 'Zone Change Amendment 3' to amend the 'Atkinville Master Plan' in the PD-C (Planned Development Commercial) zoning district.

The subject area is located east of the I-15 Freeway and north of the Southern Parkway and is located within I/C-2 (Interchange 2). The amendment to the plan will 1) delete internal driveway extending through Planning Area 1.5 and 2.3, and 2) amend the vehicular access management plan (Section 3.2 of the plan) to allow a second point of access, and the amendment will also revise certain areas of text.

**Background:** At a PSR (Planning Staff Review) meeting staff met with a potential developer for a proposed travel center in the I/C-2 area. However, it was determined by the City's Traffic Engineering Department that first the Atkinville Master Plan required updating before a separate zone change amendment could be submitted, before the project request could proceed to the Planning Commission and City Council. This amendment will take care of the needed update. See attachment.

**Project Name:** Atkinville Master Plan Amendment No. 3

**Owner:** SITLA (State Institutional Trust lands Administration)

**Applicant:** SITLA

**Representative:** Mr. Gary Wood, AECOM

**Location:** I/C-2

**Zoning:** PD-C

**P.C.:** The Planning Commission recommends approval.

# Atkinville Interchange Area Zone Plan (PD-C)

***Amended Zone Change Application No. 3***

***April, 2015***

## ***Introduction***

The **Atkinville Interchange Area Zone Plan** (*Interchange PD-C*) was approved by the St. George City Council on January 4, 2007. The application for the zone plan was submitted by the State of Utah School and Institutional Trust Lands Administration for a 516 acre portion of the area known as the South Block, on both the east and west side of I-15 and the then-future Atkinville interchange.

## Applicant:

**State of Utah School and Institutional Trust Lands Administration**
2303 North Coral Canyon Blvd., Suite 100A, Washington, UT 84780
Telephone: (435) 652-2950 Fax: (435) 652-2952
Contact: Kyle Pasley

## Applicant Representative:

**AECOM**

401 West A Street, Suite 1200, San Diego, CA 92101
Telephone: (619) 610 7704 Fax: (619) 610 7601
Contact: Gary Wood

## ***History of Amendments to the Atkinville Interchange Zone Plan***

***Amendment 1 (Approved December 6, 2012)***

This first amendment did two things: (1) transferred a 1.89 acre parcel from the Atkinville Interchange PD to the Sun River PD, and (2) added a new permitted use for Hobby and Storage Garages to that parcel.

***Amendment 2 (Approved March 19, 2014)***

The second amendment moved approx. 30.00 acres of the Atkinville Interchange PD into the Sun River PD, and changed the land use of that property to PD Residential. The land uses for that 30 acres were previously RV Park and Employment 2, as defined by the Interchange PD. It also included an update for approximately 18 acres already in the Sun River PD from RV and Mini Storage to PD Residential. Both parcels together create a 48.7 ac. residential parcel.
In addition this second amendment updated the balance of the property to join the existing 8.1 acres Community Commercial (CC) as defined by the Atkinville Interchange PD. *Community Commercial has the same permitted uses as the City's C-2 Highway Commercial Zone*. This would increase the amount of Community Commercial to 27.49 acres. The Employment 2 and the RV Park land uses were eliminated from this area.

This second amendment was approved by the City of St George Planning Commission on February 24, 2015 and the City Council on March 19, 2014.

**Proposed Amendment 3**

**Background**

The proposed third amendment addresses property located east of I-15 and north of the Southern Parkway. In 2006-2007 two factors were instrumental in the planning of this portion of the Atkinville Interchange Zone plan. The first was a desire to have the area of the former Utah Visitors Center designated for a major commercial center. To provide opportunities for access into such a center in addition to the access provided by Road A (now Astragalus Road) an internal private driveway was proposed extending through Planning Areas 1.5 and 2.3. The second was a desire to have a site within the interchange area for a travel center that would serve interstate truck traffic and other travelers on I-15. A comprehensive analysis of the interchange area land use patterns and ingress and egress circulation routes determined that a site within Planning Area 1.5 would be the best site for a travel center use. It was the only area where a travel center was a permitted use in the 2006 plan.

In the period from 2007 to 2015 continuing review of the land use plan has concluded that the major retail areas will be focused in Planning area 2.1 in the northwest

quadrant of the interchange and the planning areas in the southwest quadrant of the interchange including Planning Areas 1.1, 1.2, 1.3 and possibly 4.6. The internal private driveway through Planning Areas 1.5 and 2.3 is no longer needed.

**Proposed Plan Change**

Planning Area 1.5 remains the preferred site for a travel center. A Love's travel center is being proposed for this site and Zone Plan Amendment 3 is being proposed to make the adjustments needed to support that plan. Specifically these adjustments are as follows:

[1] Delete the internal driveway shown extending through Planning Areas 1.5 and 2.3.

[2] Amend the Vehicular Access Management Plan (Section 3.2 of the Atkinville Interchange Zone Plan) to provide a second point of access into the Love's site. These changes are illustrated on attached amended Exhibits 3.2 and 3.6.

A technical report on the change in access has been prepared by Horrocks Engineers and is attached to and made a part of this application.

**Proposed Text Change**

In addition to make clear the intent of the original zone plan regarding the location of the travel center land use the following text is proposed to be changed on page 10 of the Zone Plan. It is shown below in track change format highlighted in red.

## *2.2 Land Use Descriptions*

*VISITOR/CONVENIENCE COMMERCIAL*

*The five Visitor/Convenience Commercial planning areas, totaling 70.4 acres, are located east of I-15 along the ingress and egress routes to the State Welcome Center and the South Block. These sites have convenient access and also have excellent visibility from the Interstate highway and the Southern Parkway. Four of these planning areas are designated VC1 (see Section 2.4 for permitted uses), and one is designated VC2 which permits a potential truck stop/travel plaza use in addition to all the uses allowed in VC1. Visitor-oriented businesses such as convenience stores, restaurants, automobile services,*

*lodging, and similar businesses would be permitted on the designated visitor/convenience commercial parcels. The VC2 parcel, located within the area designated Planning Area 1.5, is the best location in the Plan Area for a travel plaza because trucks can easily access this site from both I-15 and the Southern Parkway ~~without making an uncontrolled turn movement~~.*

Additional text changes are needed to Section 3.2 Vehicular Access Management Plan on pages 40, 41, and 42. These changes are also shown below in track change format highlighted in red.

***Planning Area 1.5***

***The access management plan for this planning area is as follows:***

1. ***A full movement commercial driveway on Road A, opposite the Southern Parkway westbound on/off ramps.***

2. ***A full movement intersection on Road A approximately 460 feet north of the intersection of the Southern Parkway westbound on/off ramps with Road A. This access point is opposite Planning Areas 1.4 and 1.5***

~~2. A full movement commercial driveway on Road A approximately 1,100 feet north of the driveway above. This driveway is shared by planning area 2.3.~~

***Planning Area 2.3***

***The access management plan for this planning area includes four~~three~~ driveways along Road A as follows:***

1. ***A full movement commercial driveway on Road A approximately 1,100 feet north of the Southern Parkway westbound on/off ramps.***

2. ***A second full movement commercial driveway on Road A approximately 660 feet north of the driveway noted above, and opposite the driveway leading to Planning Areas 4.3 and 4.4.***

3. ***A third full movement commercial driveway on Road A approximately 600 feet north of the driveway noted above and also opposite the driveway leading to Planning Area 4.3.***

4. ***A fourth full movement commercial driveway on Road A approximately 600 feet north of the driveway noted above.***

**Site Plan**

Prior to the construction of any individual commercial project the Trust or developer/builder will submit a detailed building elevation and site plan for review and approval by the City.

**Exhibit 3-2: Vehicular Circulation Plan**

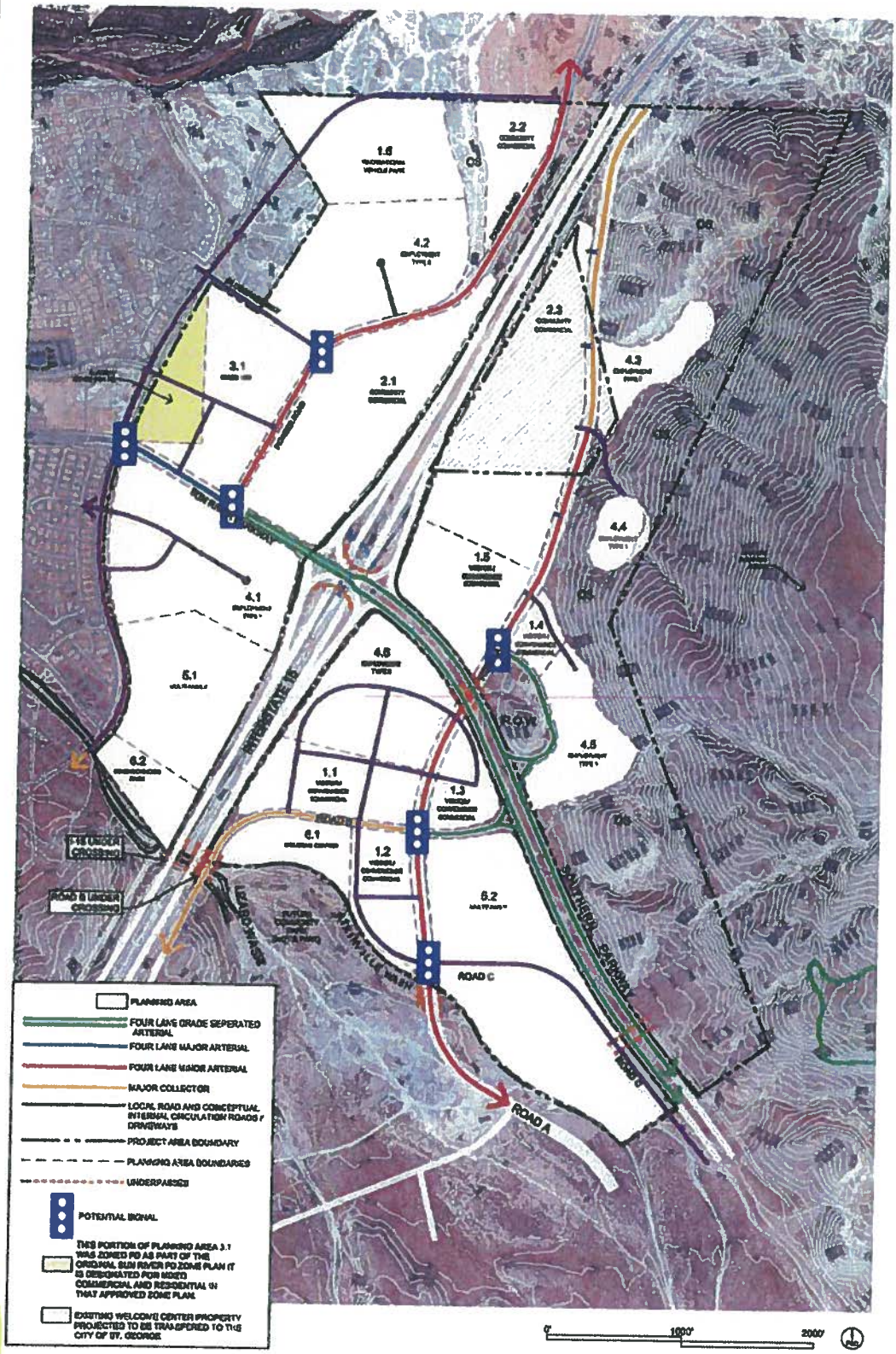
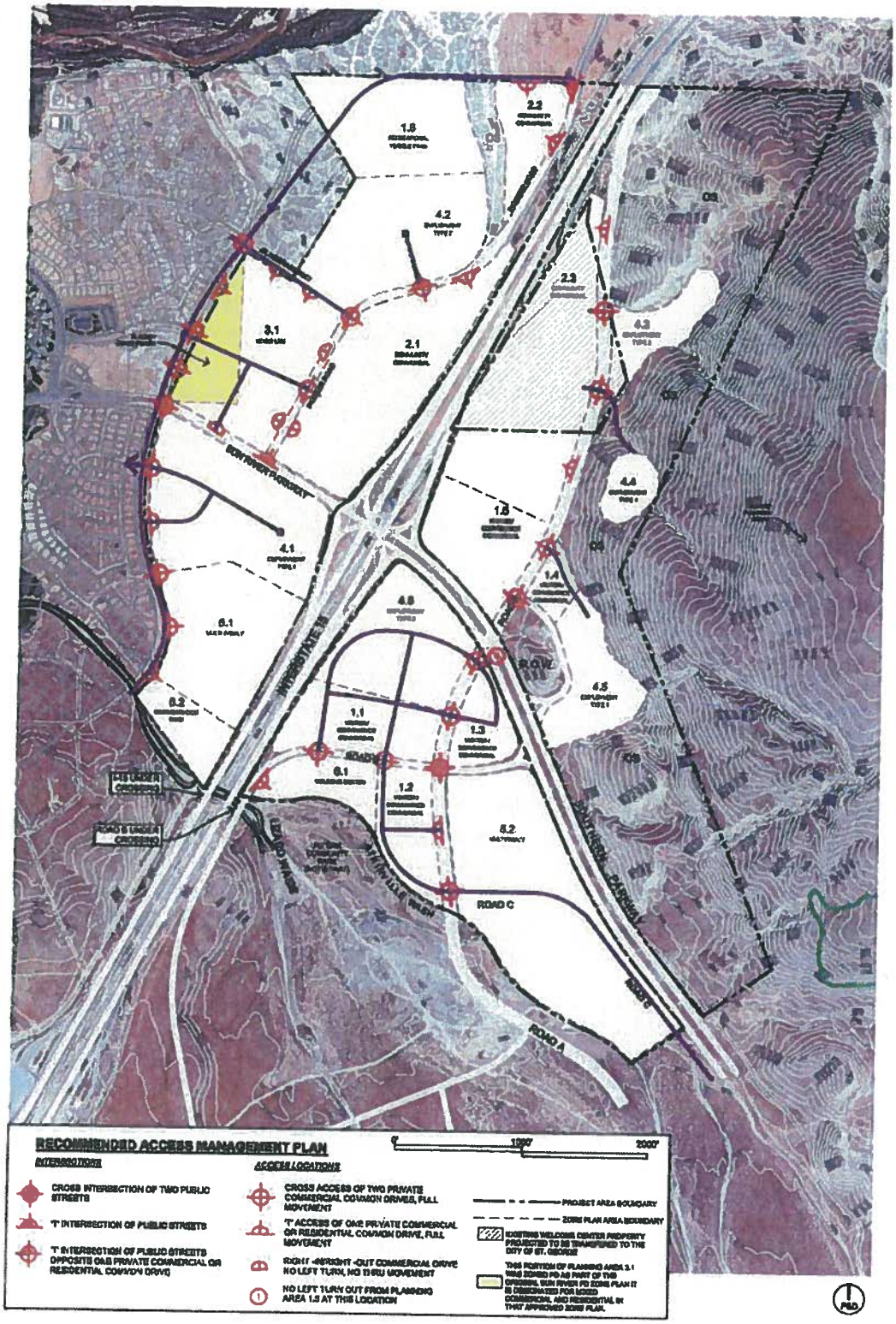


**Exhibit 3-6: Access Management Plan**



HORROCKS ENGINEERS

**To:** Wes Jenkins, P.E.
Development Division
City of St. George

**From:** Aron Baker, P.E.
Horrocks Engineers

**Date:** February 25, 2015

**Memorandum**

**Subject:** Access Change for Love's Travel Center, Atkinville Interchange Area Zone Plan

## BACKGROUND

The State of Utah School and Institutional Trust Lands Administration ("SITLA") received approval of a master land use plan for the South Block area in 2007, and as a further refinement of that master plan, the Atkinville Interchange Area Zone Plan (see Figure 1). Along with the land use plan, a roadway and access plan was adopted for the Atkinville area that laid out anticipated driveways, driveway spacing, roads, and road classifications. A travel center is now proposed to be placed at the Atkinville Interchange that does not explicitly follow the approved access plan. SITLA would like to have the City of St. George look specifically at the site plan of Love's Travel Center and consider a new access arrangement. Because the approved Atkinville Interchange Area Zone Plan states that any "additional full movement access points ... will require approval of an amendment to the access management plan with an accompanying update to the technical report...", this technical memo is written to satisfy the proposed change.

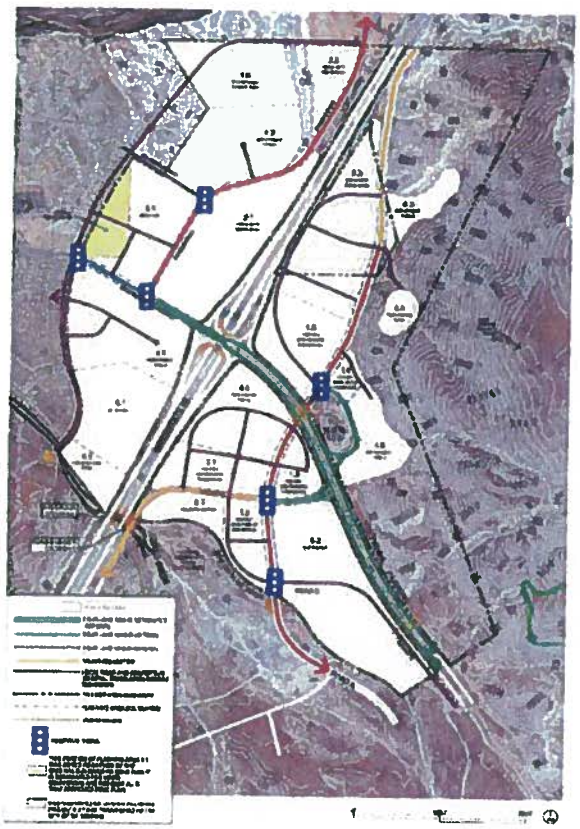


**Figure 1: Approved Atkinville Interchange Area Plan**

## INTRODUCTION

The Love's Travel Center is located at Planning Area 1.5, shown in blue in Figure 2. The approved plan anticipated that Planning Area 1.5 would be used for a travel center or other commercial development. The access plan, shown in Figure 2 with red symbols showing partial- or full-movement access points, shows a full movement access that aligns with the Southern Parkway on/off-ramp on the south end of the site at Astragalus Road. This intersection is proposed to be signalized in the future when traffic conditions warrant. From the approved plan, the only other access would be an internal circulatory roadway that connects through Planning Area 1.5 to the adjacent parcel to the north. This internal roadway system was originally proposed to maximize access should this area develop as a major retail center. Subsequent planning has focused the major retail development on Planning Area 2.1 on the west side of I-15 and, on the east side of I-15, the Planning Areas in the southeast quadrant of the interchange.

555 South Bluff Street Suite #101 St George, UT 84770 Telephone (435) 986-7888 Fax (435) 986-7889

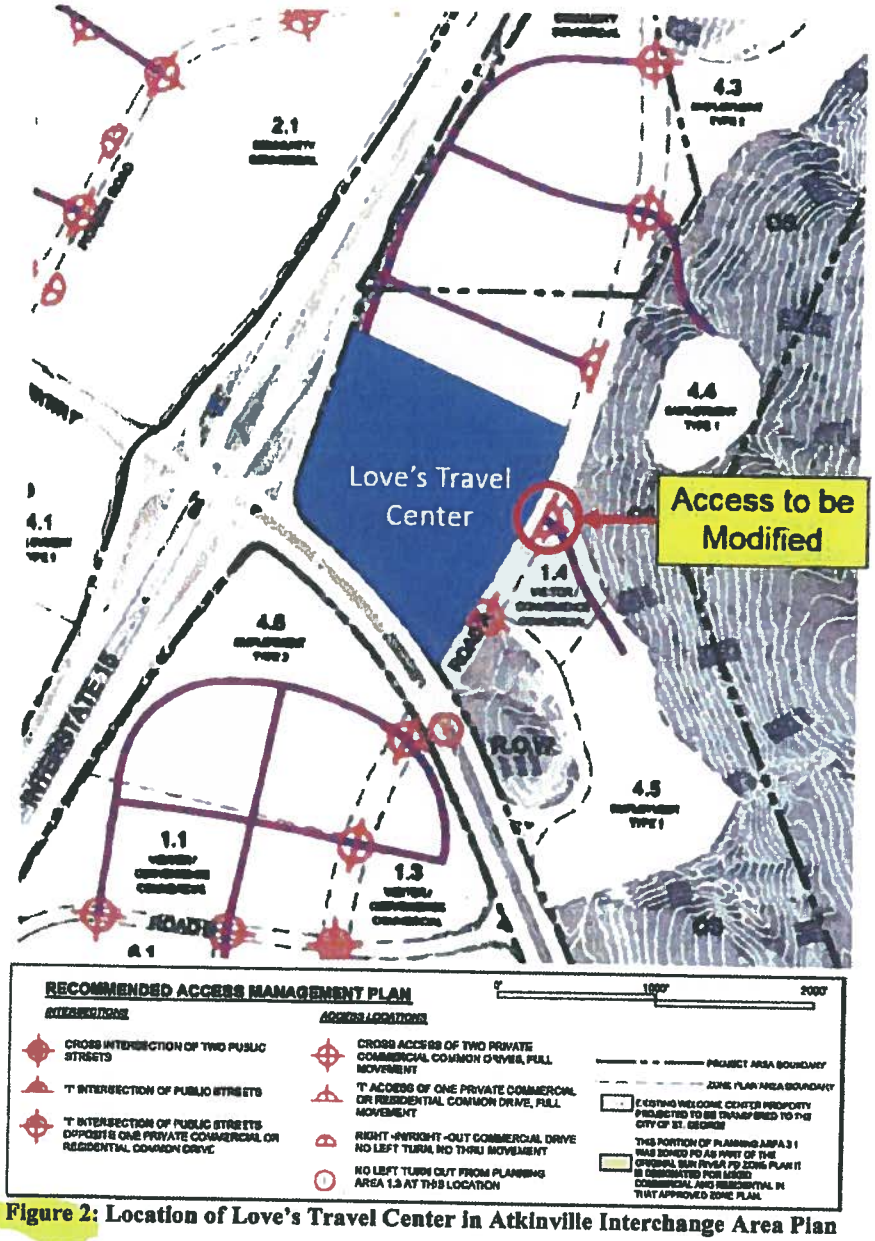



**Figure 2: Location of Love's Travel Center in Atkinville Interchange Area Plan**

## Revised Access Proposal

This proposal is intended to modify the existing access that is utilized by Planning Area 1.4 on Astragalus Road from a "T" access to a full-movement access (See Figure 2, access circled in red). This revised access for Love's Travel Center accommodates the ingress and egress for their expected truck traffic. This access will only serve trucks as they enter the facility at this access with a left turn, the trucks will fuel up and circulate back around to the same access and exit with a right turn movement out. Cars will use the southerly access at the Southern Parkway on/off ramp (See Figure 3).

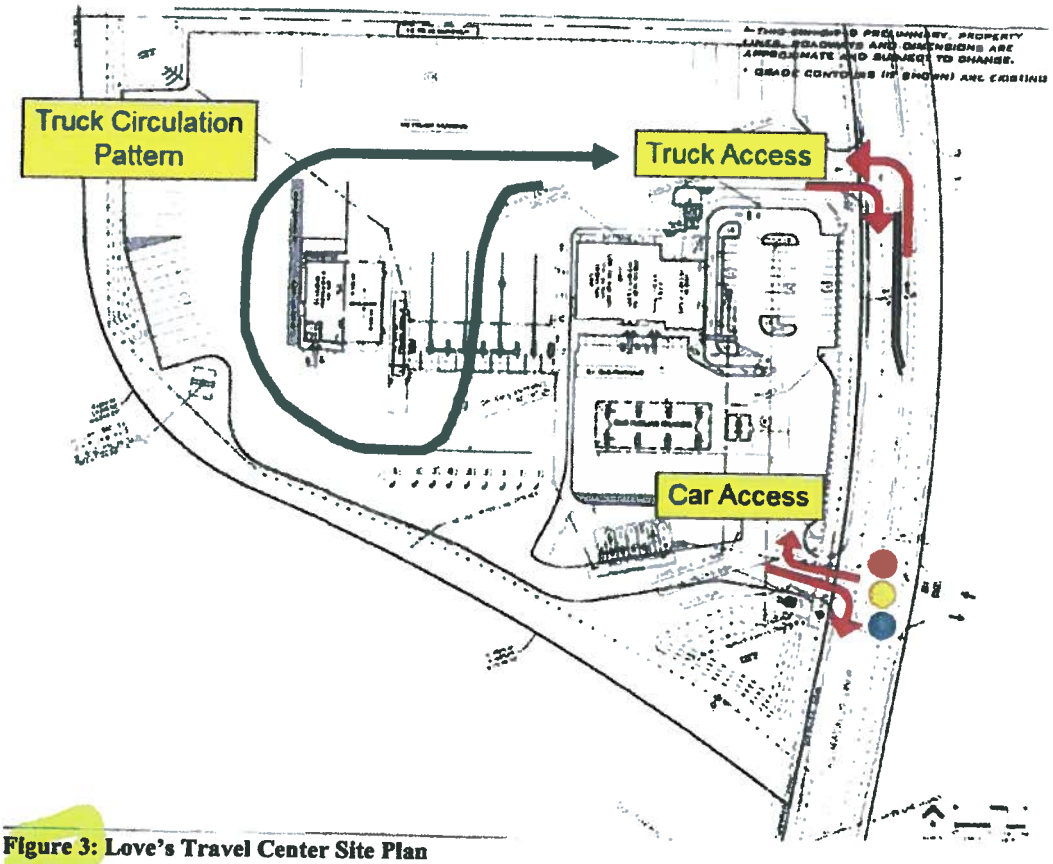



**Figure 3: Love's Travel Center Site Plan**

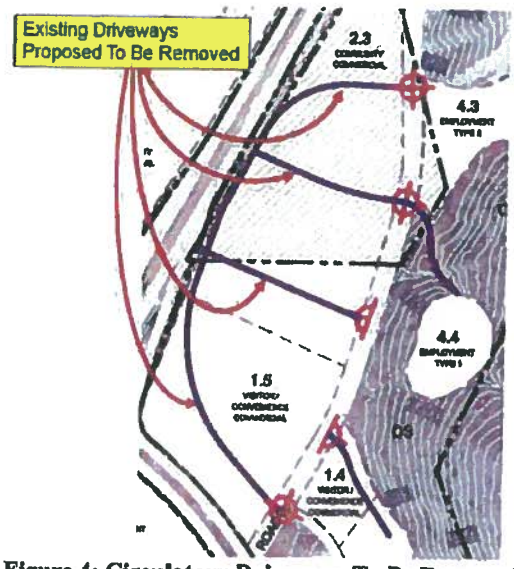



**Figure 4: Circulatory Driveways To Be Removed**

The interior circulatory roadway system in Planning Area 1.5, and Planning Area 2.3 to the north, is proposed to be removed. This will allow the Love's Travel Center to have well-controlled truck movement on the site as shown on the site plan (see Figure 3). With the truck oriented portion of the site dominating the north and west side of the site, it is not feasible to provide a cross-access to the property to the north (also owned by SITLA) with a circulatory roadway since it would introduce passenger vehicles into the truck area. Therefore, the original circulatory road concept is proposed to be removed, as shown in Figure 4. The access to the properties to the north will be from Astragalus Road at the driveway access points indicated. This planning should begin as specific development concepts and plans are proposed.

**City Access Management Guidelines for Access Spacing**

The City's Access Management Policy provides techniques to preserve the existing capacity and improve safety as new development occurs. With regard to the subject access, the Policy states that the spacing of this full-movement access in question should ideally be 500 feet from adjacent accesses on this Minor Arterial Road. As shown in Figure 5, the accesses at the Love's Travel Center measures 460 feet, 40 feet shy of the ideal distance in the Policy.

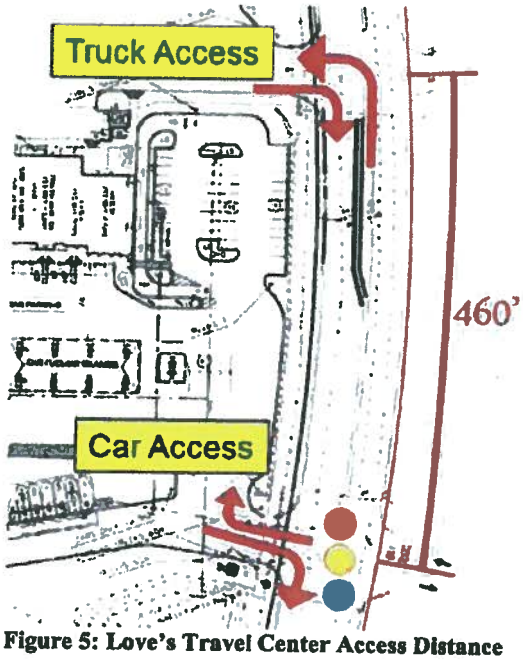



**Figure 5: Love's Travel Center Access Distance**

A "T"-configured intersection is already present at proposed Truck-Only access intersection, as shown in Figure 6. The approved Plan allows a left-turn-out condition with the 460-foot spacing. This request is to line up a driveway across the street from Planning Area 1.4 instead of having an offset driveway that could create a dangerous condition.

Full-movement accesses create delays for low-priority movements, specifically, left turns out of side streets and driveways. Minimum driveway spacing between full-movement driveways increase the odds of not having backed-up traffic from the adjacent intersections, further hindering these left turns. Fortunately for this driveway access, the left-turns out of Love's Travel Center should be minimal since this will exclusively be a truck exit, and they will be turning right to get back onto Southern Parkway, heading to I-15. For this reason, the spacing is not as critical for left turns in this case.

With regard to left-turning vehicles that are entering from Astragalus Road, this 460 feet needs to accommodate northbound left-turning trucks entering Love's Travel Center as well as southbound left-turning vehicles (cars and trucks) that are entering the on-ramp to Southern Parkway. Ideally, the left-turn storage for each direction in the raised median would be designed for the anticipated traffic. Assuming each direction has 200 feet of storage, this would allow two 100-foot interstate tractor trailers in each direction before the storage capacity is exhausted. The only reason two interstate tractor trailer vehicles would be waiting to turn left is if opposing southbound volume was high on Astragalus Road in the future (it is a dead-end situation today). Referring to the Dixie MPO model, it is anticipated that relatively low amounts of traffic for an arterial will use this road in 2040, approximately 8,000 to

10,000 vehicles per day, so it would be very uncommon to have stopped trucks backing into the through lane, blocking the traffic stream.

**Figure 6: Astragalus Road Existing Conditions**

Considering the circumstances of where this site is located and how the circulation of trucks will work on the site with left-turns in and right-turns out, the driveway spacing length of 460 feet should still work adequately while maintaining safety and capacity on Astragalus Road. The current configuration of the median will need to be altered by the development in order to install enough length for a left-turn lane to allow full-movements into this driveway.

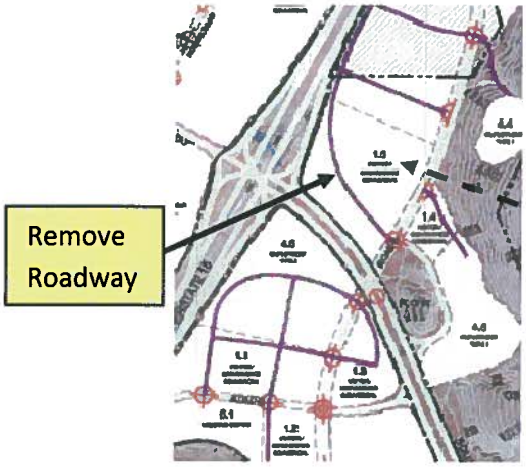
**Summary:**

A "T"-configured intersection is already present at the Planning Area 1.4 access intersection, as shown in Figure 6. The approved Plan allows a left-turn-out condition for Planning Area 1.4 with the 460-foot spacing. With the left-in/right-out circulation plan for trucks visiting Love's Travel Center, adding the fourth leg at this intersection should not have significant impact to the safety or capacity of this intersection.

# Comparison

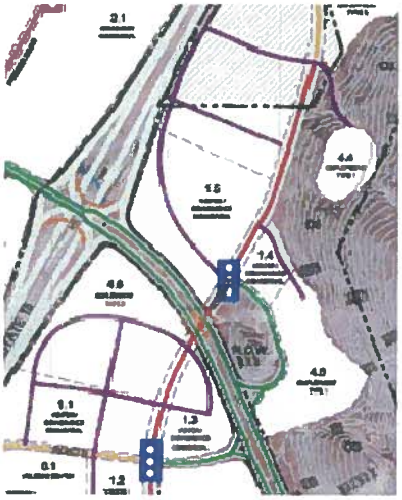
## 2007 Original Plan

Portion from Original Exhibit 3-6
"Access Management Plan"

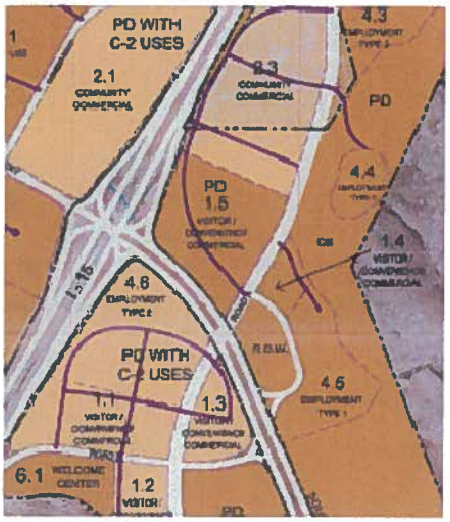



Area 1.5

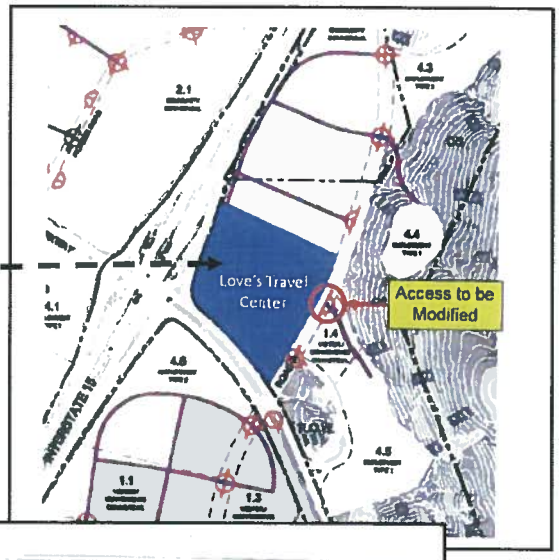
Portion from Original Exhibit 3-2
"Vehicular Circulation Plan"

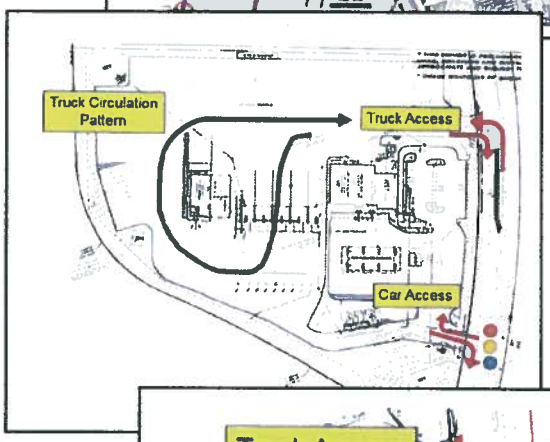


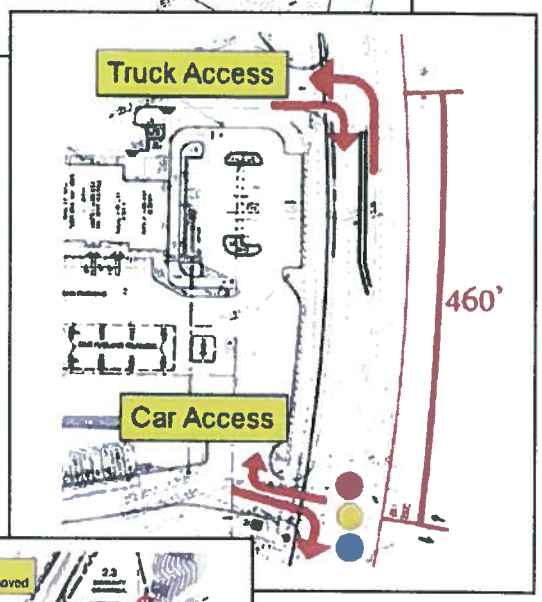
Portion from Original Exhibit 3-2
"Zoning Designation Map"

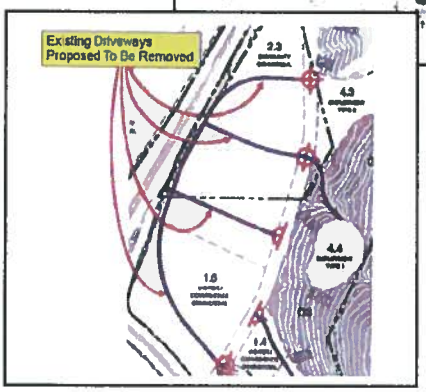



## 2015 Amendment 3



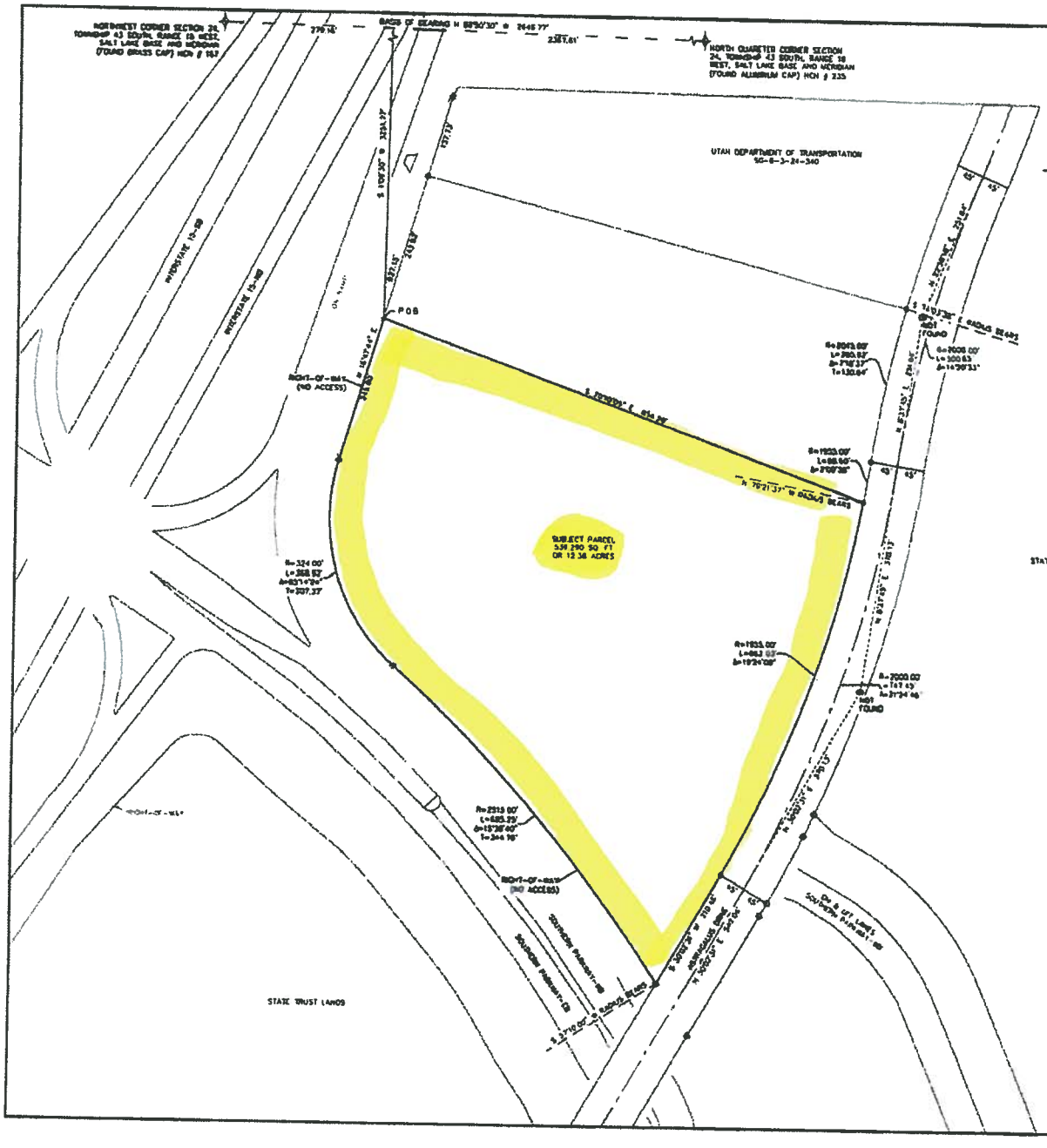
**Bush and Gudgell, Inc.**
**Engineers • Planners • Surveyors**
Salt Lake City - St. George
www.bushandgudgell.com

# LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, FOUND LYING NORTH OF THE FREEWAY INTERCHANGE, EAST OF INTERSTATE 15, WEST OF ASTRAGALUS DRIVE, AND SOUTH OF TAX ID NO. SG-6-3-24-340, BEING IN THE CITY OF ST. GEORGE, COUNTY OF WASHINGTON, STATE OF UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT N 88°50'30" W 2367.61 FEET AND S 1°09'30" W 3251.77 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 24, SAID POINT BEING ON THE RIGHT-OF-WAY OF THE SOUTHERN PARKWAY PER UDOT BOUNDARY SURVEY PROJECT NO. HPP-15-1(56)/HPP-LC53(33); THENCE S 70°10'05" E 854.20 FEET, TO A POINT ON A 1955.00 FOOT NON-TANGENT RADIUS TO THE RIGHT WHICH RADIUS BEARS N 79°21'37" W, POINT ALSO BEING ON THE WEST RIGHT-OF-WAY OF ASTRAGALUS DRIVE AS SHOWN ON ROAD DEDICATION PLAT DOCUMENT # 20090026781; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES; (1) THENCE SOUTHERLY 662.03 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°24'08", (2) S 30°02'31" W 210.46 FEET, TO A POINT ON SAID SOUTHERN PARKWAY RIGHT-OF-WAY, SAID POINT ALSO BEING ON A 2515.00 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT WHICH RADIUS BEARS S 57°10'00" W AND RUNNING THENCE ALONG SAID SOUTHERN PARKWAY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES; (1) THENCE WESTERLY 685.25 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°36'40", TO THE POINT OF A 324.00 FOOT RADIUS REVERSE CURVE, (2) THENCE NORTHERLY 368.92 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 65°14'24", AND (3) THENCE N 16°47'44" E 245.80 FEET, TO THE POINT OF BEGINNING.

CONTAINS 539,290 SQ. FT OR 12.38 ACRES




## LEGEND

- SECTIONAL MONUMENTATION (TYPE, LOCATION ETC AS NOTED ON THE PLAT)
- SPECIFIES FOUND SURVEY CONTROL MONUMENT (RIGHT-OF-WAY MONUMENT)
- SET 5/8" REBAR AND PLASTIC CAP (STAMPED L.S. 5382432), UNLESS OTHERWISE NOTED ON THE PLAT.
- SPECIFIES FOUND SURVEY CONTROL MONUMENT AS SHOWN AND NOTED (CLASS II, REBAR & ALUM CAP)

## BOUNDARY DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, FOUND LYING NORTH OF THE FREEWAY INTERCHANGE, EAST OF INTERSTATE 15, WEST OF ASTRAGALUS DRIVE, AND SOUTH OF TAX ID NO. SG-8-3-24-340, BEING IN THE CITY OF ST. GEORGE, COUNTY OF WASHINGTON, STATE OF UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT N 88°50'30" W 2367.81 FEET AND S 1°09'30" W 3251.17 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 24, SAID POINT BEING ON THE RIGHT-OF-WAY OF THE SOUTHERN PARKWAY PER UDOT BOUNDARY SURVEY PROJECT NO. HPP-15-1(36)/HPP-LCS3(33); THENCE S 70°10'06" E 854.20 FEET, TO A POINT ON A 1550.00 FOOT NON-TANGENT RADIUS TO THE RIGHT WHICH RADIUS BEARS N 79°21'37" W, POINT ALSO BEING ON THE WEST RIGHT-OF-WAY OF ASTRAGALUS DRIVE AS SHOWN ON ROAD DEDICATION PLAT DOCUMENT # 20080036781. THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES, (1) THENCE SOUTHERLY 662.03 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°24'08", (2) S 30°03'31" W 210.49 FEET, TO A POINT ON SAID SOUTHERN PARKWAY RIGHT-OF-WAY, SAID POINT ALSO BEING ON A 2515.00 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT WHICH RADIUS BEARS S 57°15'52" W AND RUNNING THENCE ALONG SAID SOUTHERN PARKWAY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES, (1) THENCE WESTERLY 685.25 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°36'40", TO THE POINT OF A 324.00 FOOT RADIUS REVERSE CURVE, (2) THENCE NORTHERLY 268.92 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 95°14'24", AND (3) THENCE N 15°47'44" E 240.89 FEET, TO THE POINT OF BEGINNING.

CONTAINS 539,290 SQ FT OR 12.38 ACRES

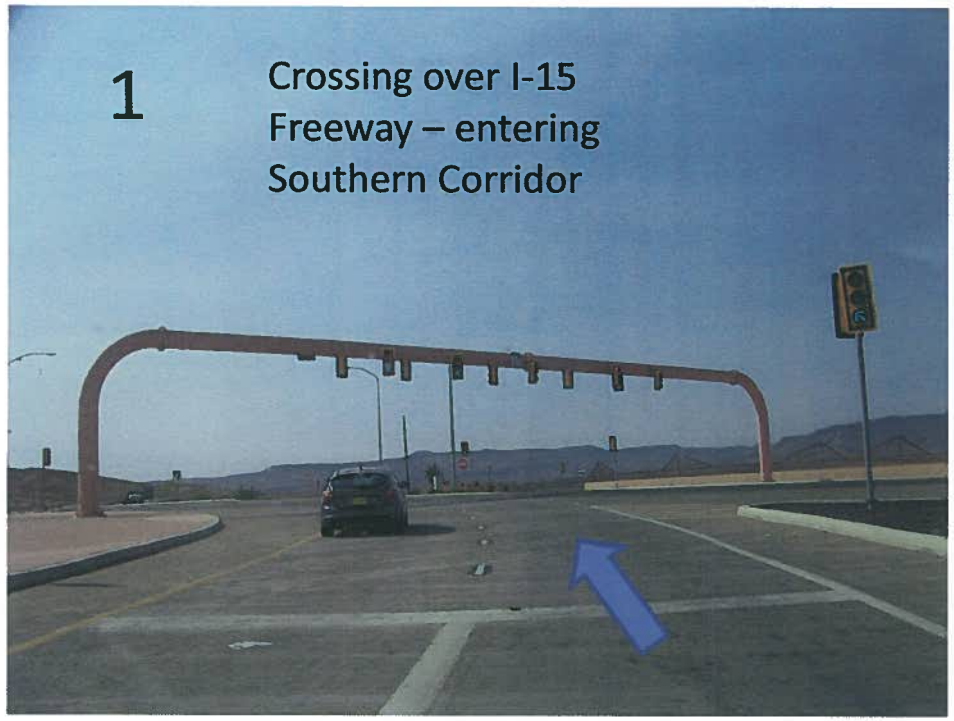
## EXHIBIT

LOCATED IN
SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 16 WEST,
SALT LAKE BASE AND MERIDIAN
PREPARED FOR:
LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.

BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors

EXHIBIT
SW 1/4 OF SECTION 24, T-43-S, R-16-W SLB&M
PREPARED FOR: LOVE'S TRAVEL STOPS & COUNTRY STORES, INC

SHEET 1 OF 1 SHEETS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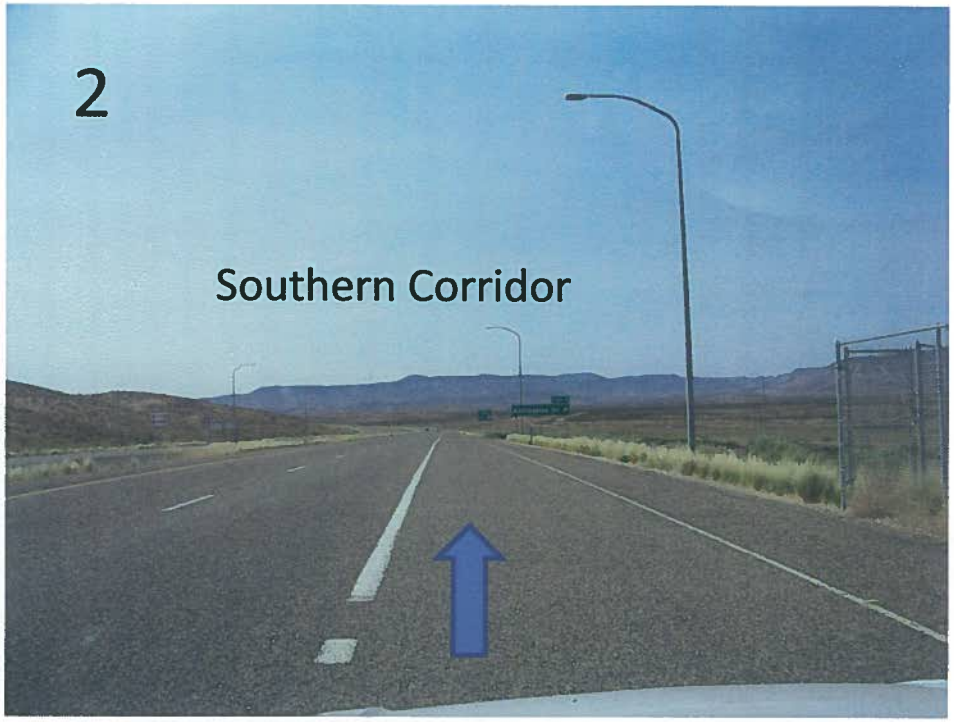
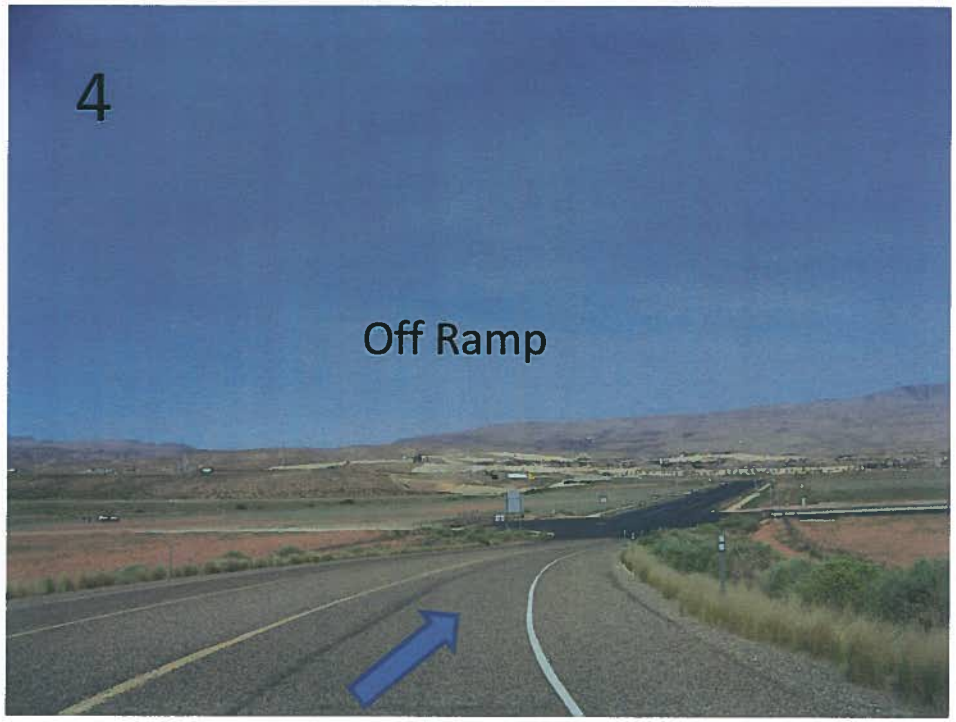
Crossing over I-15
Freeway – entering
Southern Corridor


2
Southern Corridor

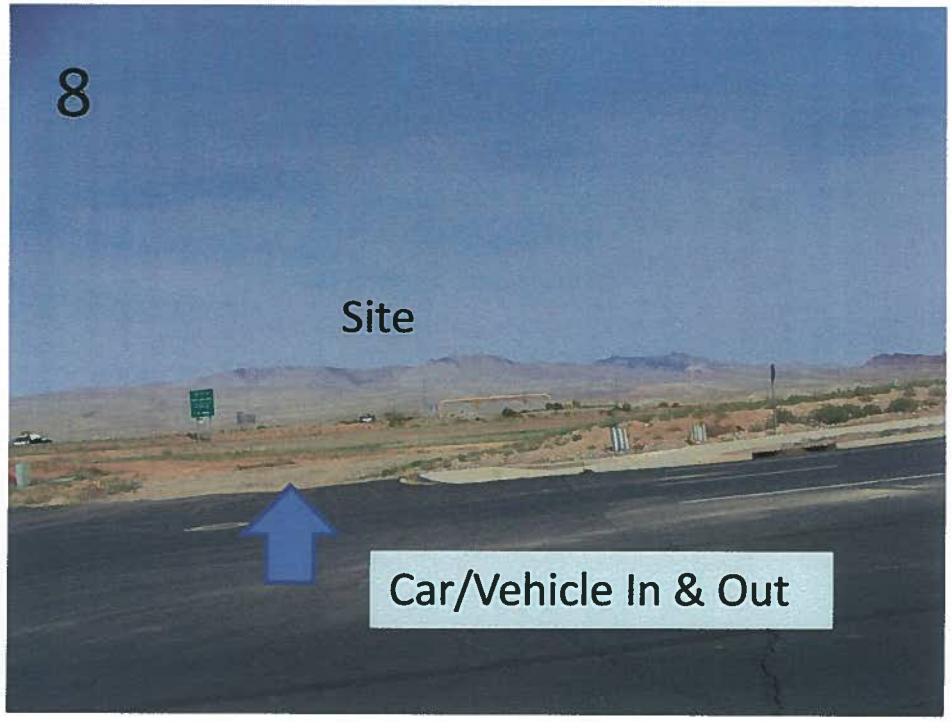
3
Exit
Astragalus Dr
1/4 MILE


4
Off Ramp

5

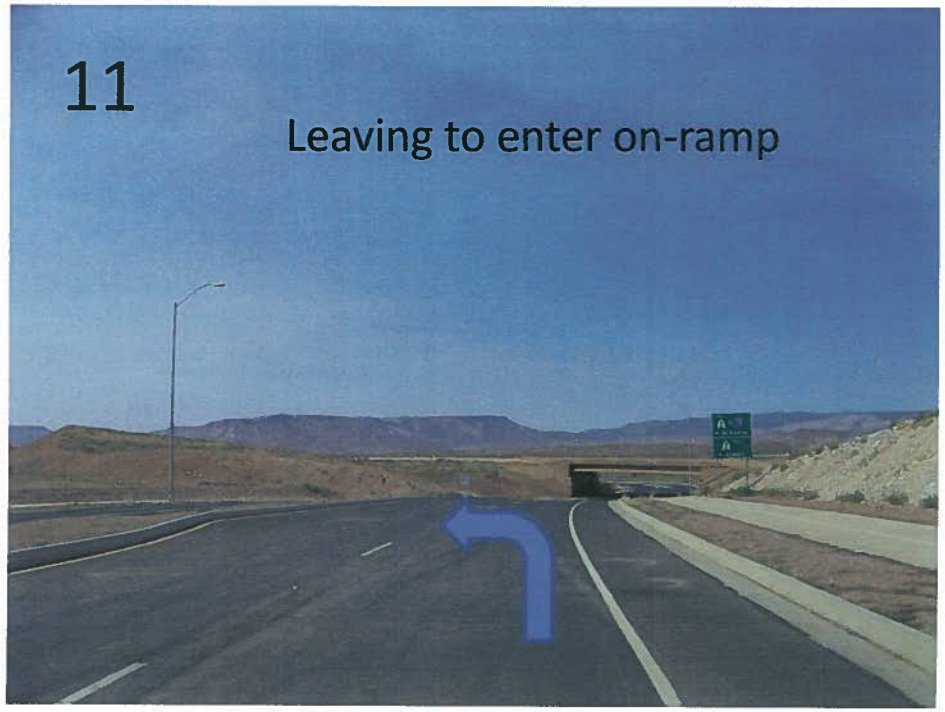
6

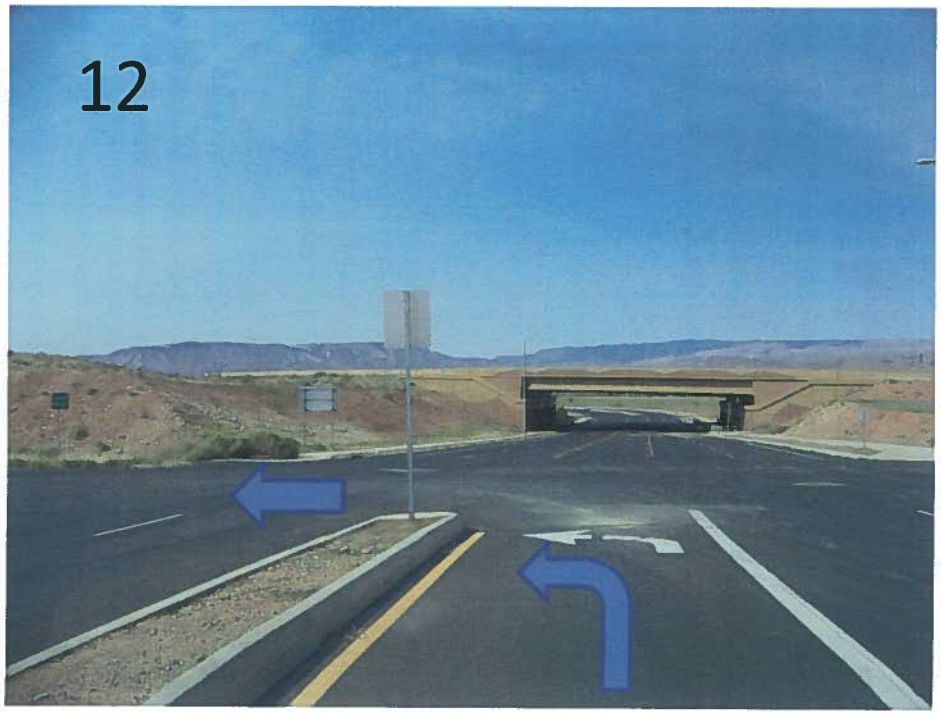
7
Site


8
Site
Car/Vehicle In & Out

9
Site

10
Site


11
Leaving to enter on-ramp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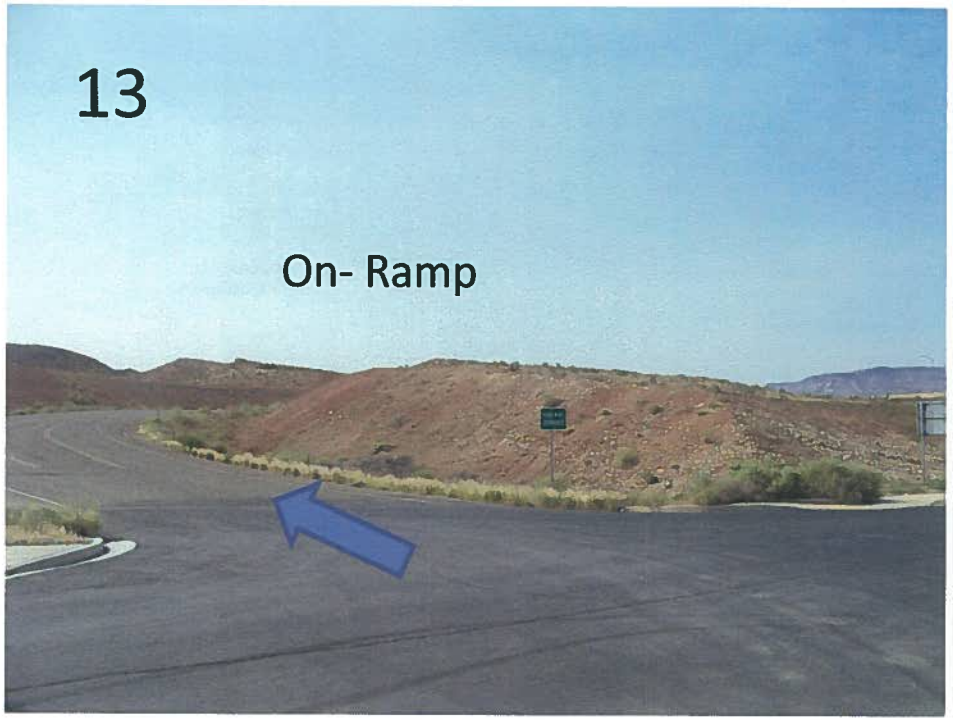

13
On- Ramp

14
Entering Freeway
(North Bound)

On-Site

2006-ZC-023 (Reference)

# Atkinville Interchange Area Zone Plan
# St. George, Utah

ZONE CHANGE
~~Conditional Use Permit~~
Approved
Case No. 2006-ZC-023
Planning Commission
City Council 1-4-2007

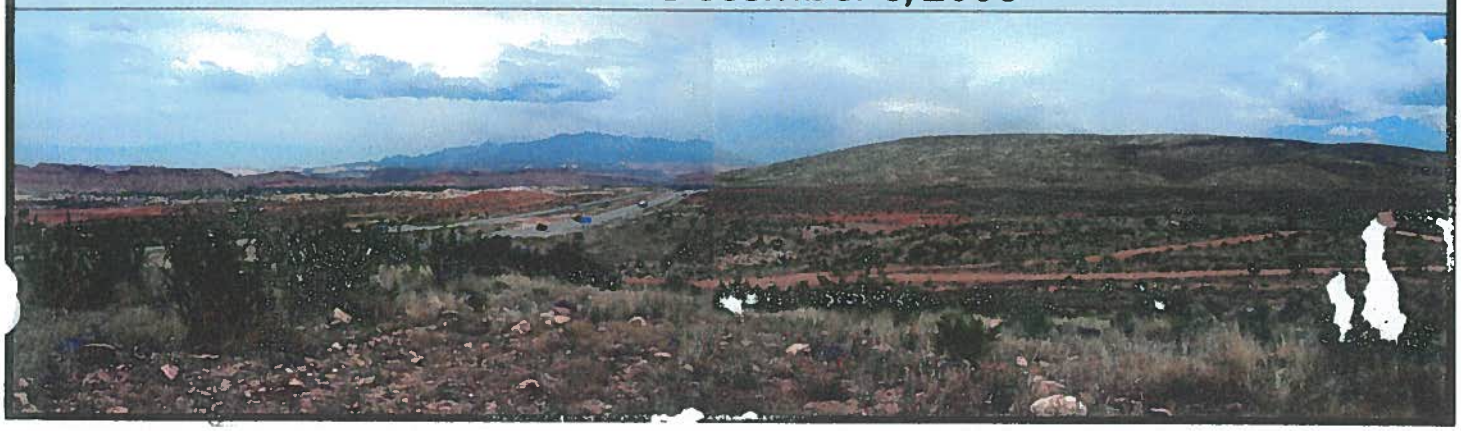
**Prepared for:**

City of St. George
Community Development Department

**Application by:**

State of Utah
School and Institutional Trust Lands Administration

November 10, 2006
Amended December 6, 2006



**ORDINANCE NO._____**

**AN ORDINANCE FOR THE THIRD AMENDMENT TO THE ATKINVILLE MASTER PLAN ON 12.38 ACRES**

**WHEREAS**, the property owner has requested an amendment to the Atkinville Master Plan on 12.38 acres zoned PD-C (Planned Development Commercial); and

**WHEREAS,** the City Council held a public hearing on this request on August 6, 2015; and

**WHEREAS**, the Planning Commission recommends approval of the requested amendment to the Atkinville Master Plan; and

**WHEREAS,** the City Council has determined that the requested amendment to the Atkinville Master Plan is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** The Atkinville Master Plan Amendment 3 is hereby ordered to be changed to reflect the zone change amendment of PD-C on 12.38 acres generally located east of the I-15 Freeway and north of the Southern Parkway and located within Interchange 2 and more specifically described on the attached property legal description, Exhibit "A".

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 6th day of August, 2015.

_____
Jonathan T. Pike, Mayor

ATTEST:

_____
Christina Fernandez, City Recorder

# Exhibit "A"

## ATKINVILLE MASTER PLAN AMENDMENT 3
### ZONE CHANGE LEGAL DESCRIPTION

**Bush and Gudgell, Inc.**
**Engineers • Planners • Surveyors**
Salt Lake City - St. George
www.bushandgudgell.com

## LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, FOUND LYING NORTH OF THE FREEWAY INTERCHANGE, EAST OF INTERSTATE 15, WEST OF ASTRAGALUS DRIVE, AND SOUTH OF TAX ID NO. SG-6-3-24-340, BEING IN THE CITY OF ST. GEORGE, COUNTY OF WASHINGTON, STATE OF UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT N 88°50'30" W 2367.61 FEET AND S 1°09'30" W 3251.77 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 24, SAID POINT BEING ON THE RIGHT-OF-WAY OF THE SOUTHERN PARKWAY PER UDOT BOUNDARY SURVEY PROJECT NO. HPP-15-1(56)/HPP-LC53(33); THENCE S 70°10'05" E 854.20 FEET, TO A POINT ON A 1955.00 FOOT NON-TANGENT RADIUS TO THE RIGHT WHICH RADIUS BEARS N 79°21'37" W, POINT ALSO BEING ON THE WEST RIGHT-OF-WAY OF ASTRAGALUS DRIVE AS SHOWN ON ROAD DEDICATION PLAT DOCUMENT # 20090026781; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES; (1) THENCE SOUTHERLY 662.03 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°24'08", (2) S 30°02'31" W 210.46 FEET, TO A POINT ON SAID SOUTHERN PARKWAY RIGHT-OF-WAY, SAID POINT ALSO BEING ON A 2515.00 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT WHICH RADIUS BEARS S 57°10'00" W AND RUNNING THENCE ALONG SAID SOUTHERN PARKWAY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES; (1) THENCE WESTERLY 685.25 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°36'40", TO THE POINT OF A 324.00 FOOT RADIUS REVERSE CURVE, (2) THENCE NORTHERLY 368.92 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 65°14'24", AND (3) THENCE N 16°47'44" E 245.80 FEET, TO THE POINT OF BEGINNING.

CONTAINS 539,290 SQ. FT OR 12.38 ACRES

3E

# 2015-ZCA-015
# Atkinville Amendment No. 3

**Request:**

Consider 'Zone Change Amendment 3' to amend the '**Atkinville Master Plan**' in the PD-C (Planned Development Commercial) zoning district.

The subject area is located east of the I-15 Freeway and north of the Southern Parkway and is located within I/C-2 (Interchange 2). The amendment to the plan will:

1. Delete internal driveway extending through Planning Area 1.5 and 2.3, and
2. Amend the vehicular access management plan (Section 3.2 of the plan) to allow a second point of access, and
3. The amendment will also revise certain areas of text.

**Background:**

At a PSR (Planning Staff Review) meeting staff met with a potential developer for a proposed travel center in the I/C-2 area. However, it was determined by the City's Traffic Engineering Department that first the Atkinville Master Plan required updating before a separate zone change amendment could be submitted, before the project request could proceed to the Planning Commission and City Council. This amendment will take care of the needed update.

# Atkinville Interchange Area Zone Plan (PD-C)

***Amended Zone Change Application No. 3***

***April, 2015***

## *Introduction*

The **Atkinville Interchange Area Zone Plan** (*Interchange PD-C*) was approved by the St. George City Council on January 4, 2007. The application for the zone plan was submitted by the State of Utah School and Institutional Trust Lands Administration for a 516 acre portion of the area known as the South Block, on both the east and west side of I-15 and the then-future Atkinville interchange.

## Applicant:

**State of Utah School and Institutional Trust Lands Administration**

2303 North Coral Canyon Blvd., Suite 100A, Washington, UT 84780
Telephone: (435) 652-2950 Fax: (435) 652-2952
Contact: Kyle Pasley

## Applicant Representative:

**AECOM**

401 West A Street, Suite 1200, San Diego, CA 92101
Telephone: (619) 610 7704 Fax: (619) 610 7601
Contact: Gary Wood

## ***History of Amendments to the Atkinville Interchange Zone Plan***

***Amendment 1 (Approved December 6, 2012)***

This first amendment did two things: (1) transferred a 1.89 acre parcel from the Atkinville Interchange PD to the Sun River PD, and (2) added a new permitted use for Hobby and Storage Garages to that parcel.

## *Amendment 2 (Approved March 19, 2014)*

The second amendment moved approx. 30.00 acres of the Atkinville Interchange PD into the Sun River PD, and changed the land use of that property to PD Residential. The land uses for that 30 acres were previously RV Park and Employment 2, as defined by the Interchange PD. It also included an update for approximately 18 acres already in the Sun River PD from RV and Mini Storage to PD Residential. Both parcels together create a 48.7 ac. residential parcel.

In addition this second amendment updated the balance of the property to join the existing 8.1 acres Community Commercial (CC) as defined by the Atkinville Interchange PD. *Community Commercial has the same permitted uses as the City's C-2 Highway Commercial Zone*. This would increase the amount of Community Commercial to 27.49 acres. The Employment 2 and the RV Park land uses were eliminated from this area.

This second amendment was approved by the City of St George Planning Commission on February 24, 2015 and the City Council on March 19, 2014.

## Proposed Amendment 3

**Background**

The proposed third amendment addresses property located east of I-15 and north of the Southern Parkway. In 2006-2007 two factors were instrumental in the planning of this portion of the Atkinville Interchange Zone plan. The first was a desire to have the area of the former Utah Visitors Center designated for a major commercial center. To provide opportunities for access into such a center in addition to the access provided by Road A (now Astragalus Road) an internal private driveway was proposed extending through Planning Areas 1.5 and 2.3. The second was a desire to have a site within the interchange area for a travel center that would serve interstate truck traffic and other travelers on I-15. A comprehensive analysis of the interchange area land use patterns and ingress and egress circulation routes determined that a site within Planning Area 1.5 would be the best site for a travel center use. It was the only area where a travel center was a permitted use in the 2006 plan.

In the period from 2007 to 2015 continuing review of the land use plan has concluded that the major retail areas will be focused in Planning area 2.1 in the northwest

quadrant of the interchange and the planning areas in the southwest quadrant of the interchange including Planning Areas 1.1, 1.2, 1.3 and possibly 4.6. The internal private driveway through Planning Areas 1.5 and 2.3 is no longer needed.

**Proposed Plan Change**

Planning Area 1.5 remains the preferred site for a travel center. A Love's travel center is being proposed for this site and Zone Plan Amendment 3 is being proposed to make the adjustments needed to support that plan. Specifically these adjustments are as follows:

[1] Delete the internal driveway shown extending through Planning Areas 1.5 and 2.3.

[2] Amend the Vehicular Access Management Plan (Section 3.2 of the Atkinville Interchange Zone Plan) to provide a second point of access into the Love's site. These changes are illustrated on attached amended Exhibits 3.2 and 3.6.

A technical report on the change in access has been prepared by Horrocks Engineers and is attached to and made a part of this application.

## 2.2 *Land Use Descriptions*

*VISITOR/CONVENIENCE COMMERCIAL*

*The five Visitor/Convenience Commercial planning areas, totaling 70.4 acres, are located east of I-15 along the ingress and egress routes to the State Welcome Center and the South Block. These sites have convenient access and also have excellent visibility from the Interstate highway and the Southern Parkway. Four of these planning areas are designated VC1 (see Section 2.4 for permitted uses), and one is designated VC2 which permits a potential truck stop/travel plaza use in addition to all the uses allowed in VC1. Visitor-oriented businesses such as convenience stores, restaurants, automobile services, lodging, and similar businesses would be permitted on the designated visitor/convenience commercial parcels. The VC2 parcel, located within the area designated Planning Area 1.5, is the best location in the Plan Area for a travel plaza because trucks can easily access this site from both I-15 and the Southern Parkway ~~without making an uncontrolled turn movement~~.*

Additional text changes are needed to Section 3.2 Vehicular Access Management Plan on pages 40, 41, and 42. These changes are also shown below in track change format highlighted in red.

*Planning Area 1.5*

*The access management plan for this planning area is as follows:*

1. *A full movement commercial driveway on Road A, opposite the Southern Parkway westbound on/off ramps.*

2. *A full movement intersection on Road A approximately 450 feet north of the intersection of the Southern Parkway westbound on/off ramps with Road A. This access point is opposite Planning Areas 1.4 and 1.5*

~~2. A full movement commercial driveway on Road A approximately 1,100 feet north of the driveway above. This driveway is shared by planning area 2.3.~~

*Planning Area 2.3*

*The access management plan for this planning area includes four~~three~~ driveways along Road A as follows:*

1. *A full movement commercial driveway on Road A approximately 1,100 feet north of the Southern Parkway westbound on/off ramps.*

2. *A second full movement commercial driveway on Road A approximately 660 feet north of the driveway noted above, and opposite the driveway leading to Planning Areas 4.3 and 4.4.*

3. *A third full movement commercial driveway on Road A approximately 600 feet north of the driveway noted above and also opposite the driveway leading to Planning Area 4.3.*

4. *A fourth full movement commercial driveway on Road A approximately 600 feet north of the driveway noted above.*

**Site Plan**

Prior to the construction of any individual commercial project the Trust or developer/builder will submit a detailed building elevation and site plan for review and approval by the City.

Exhibit 3-2: Vehicular Circulation Plan

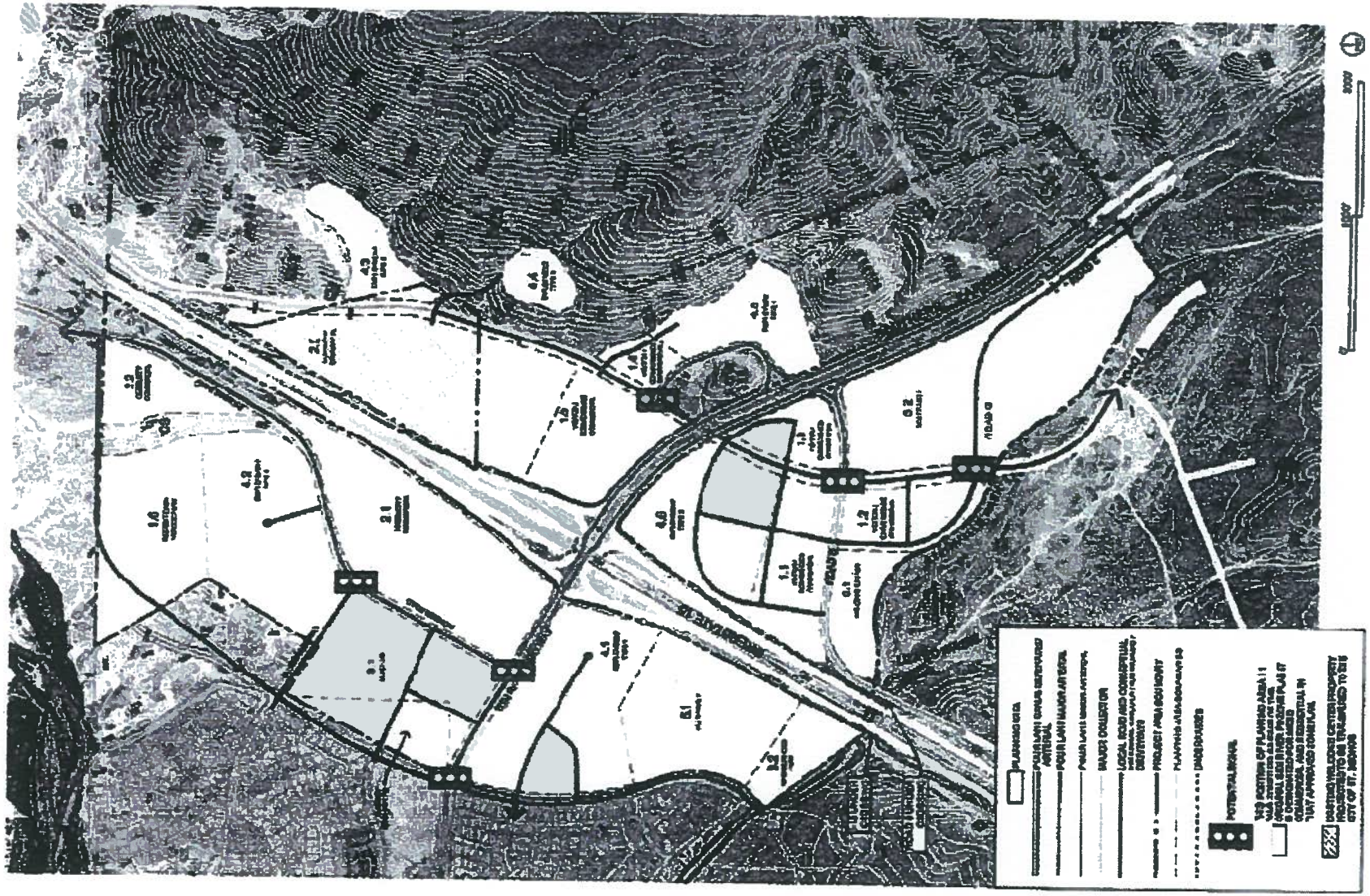





Exhibit 3-2 Modified April 2015

Exhibit 3-6: Access Management Plan

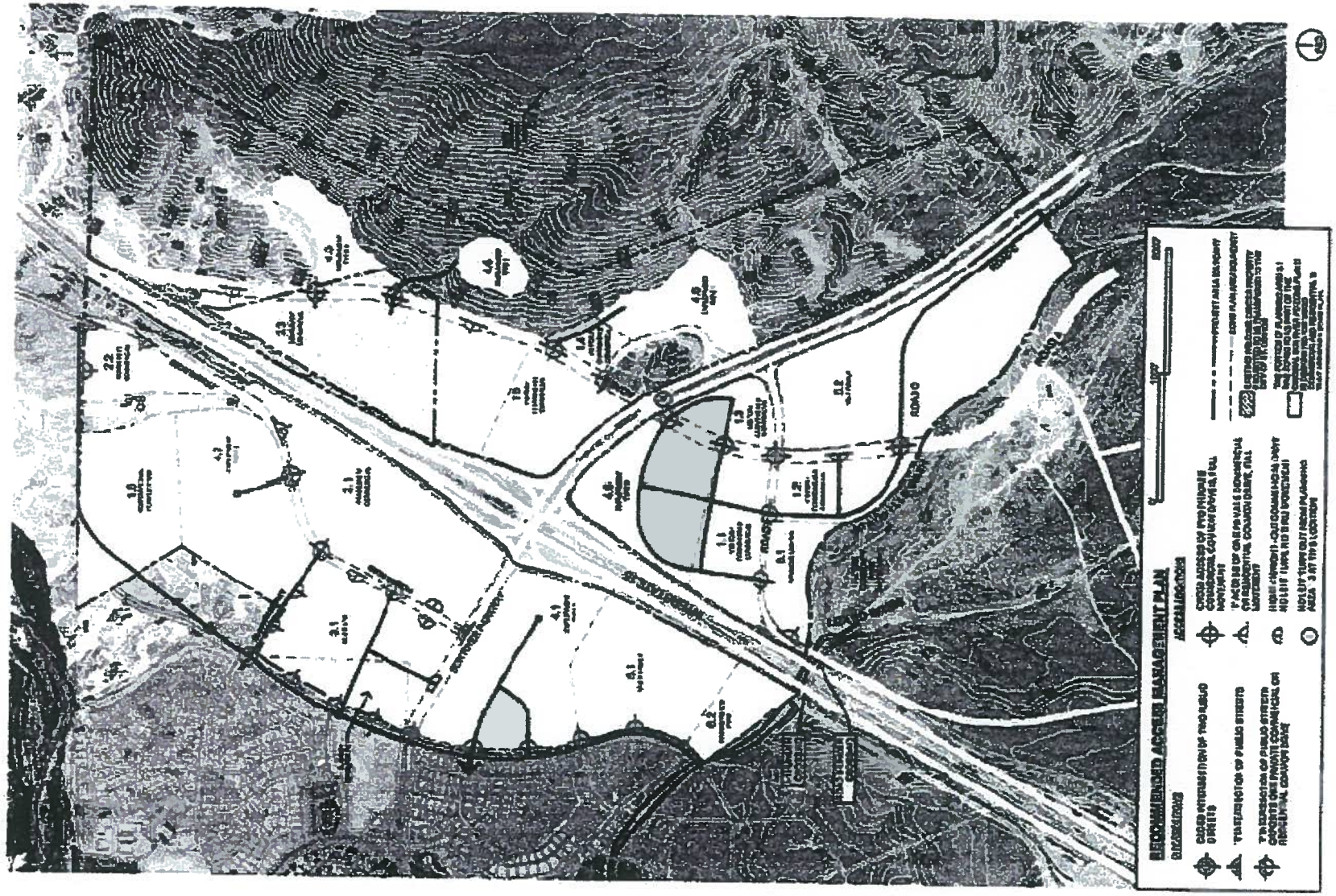





Exhibit 3-6 Modified April 2015

HORROCKS ENGINEERS

**To:** Wes Jenkins, P.E.
Development Division
City of St. George

**From:** Aron Baker, P.E.
Horrocks Engineers

**Date:** February 25, 2015

**Memorandum**

**Subject:** Access Change for Love's Travel Center, Atkinville Interchange Area Zone Plan

## BACKGROUND

The State of Utah School and Institutional Trust Lands Administration ("SITLA") received approval of a master land use plan for the South Block area in 2007, and as a further refinement of that master plan, the Atkinville Interchange Area Zone Plan (see Figure 1). Along with the land use plan, a roadway and access plan was adopted for the Atkinville area that laid out anticipated driveways, driveway spacing, roads, and road classifications. A travel center is now proposed to be placed at the Atkinville Interchange that does not explicitly follow the approved access plan. SITLA would like to have the City of St. George look specifically at the site plan of Love's Travel Center and consider a new access arrangement. Because the approved Atkinville Interchange Area Zone Plan states that any "additional full movement access points ... will require approval of an amendment to the access management plan with an accompanying update to the technical report...", this technical memo is written to satisfy the proposed change.

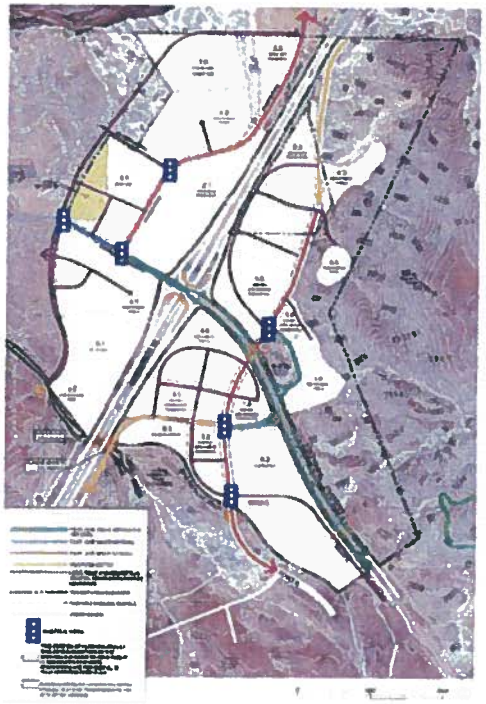


**Figure 1: Approved Atkinville Interchange Area Plan**

## INTRODUCTION

The Love's Travel Center is located at Planning Area 1.5, shown in blue in Figure 2. The approved plan anticipated that Planning Area 1.5 would be used for a travel center or other commercial development. The access plan, shown in Figure 2 with red symbols showing partial- or full-movement access points, shows a full movement access that aligns with the Southern Parkway on/off-ramp on the south end of the site at Astragalus Road. This intersection is proposed to be signalized in the future when traffic conditions warrant. From the approved plan, the only other access would be an internal circulatory roadway that connects through Planning Area 1.5 to the adjacent parcel to the north. This internal roadway system was originally proposed to maximize access should this area develop as a major retail center. Subsequent planning has focused the major retail development on Planning Area 2.1 on the west side of I-15 and, on the east side of I-15, the Planning Areas in the southeast quadrant of the interchange.

555 South Bluff Street Suite #101 St George, UT 84770 Telephone (435) 986-7888 Fax (435) 986-7889

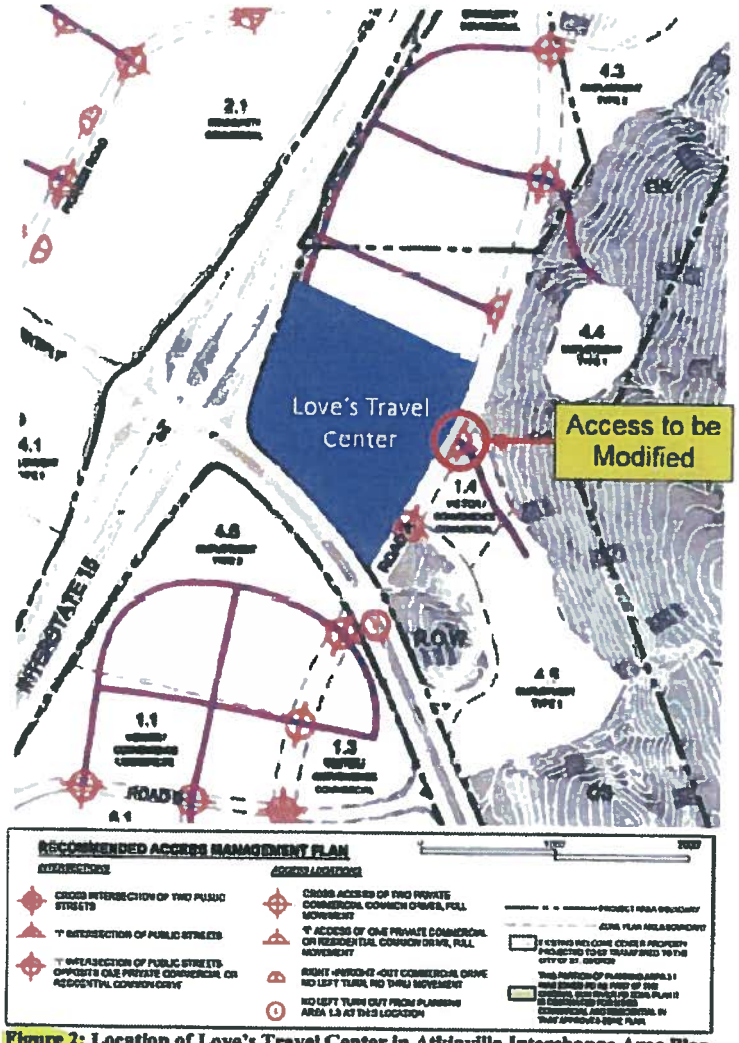



**Figure 2:** Location of Love's Travel Center in Atkinville Interchange Area Plan

**Revised Access Proposal**

This proposal is intended to modify the existing access that is utilized by Planning Area 1.4 on Astragalus Road from a "T" access to a full-movement access (See Figure 2, access circled in red). This revised access for Love's Travel Center accommodates the ingress and egress for their expected truck traffic. This access will only serve trucks as they enter the facility at this access with a left turn, the trucks will fuel up and circulate back around to the same access and exit with a right turn movement out. Cars will use the southerly access at the Southern Parkway on/off ramp (See Figure 3).

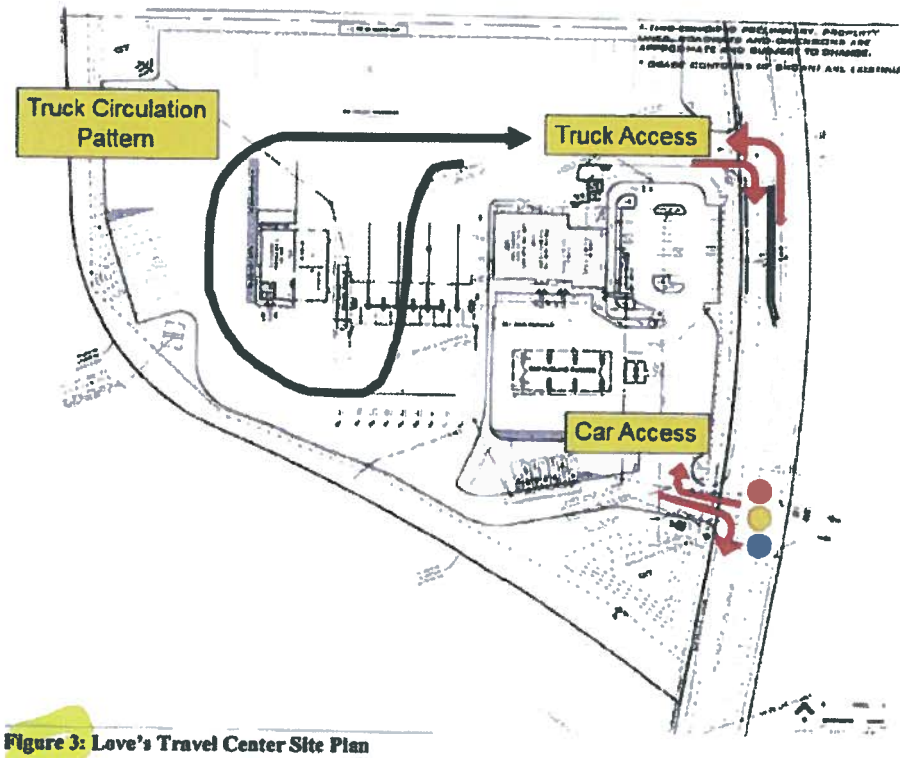



**Figure 3: Love's Travel Center Site Plan**

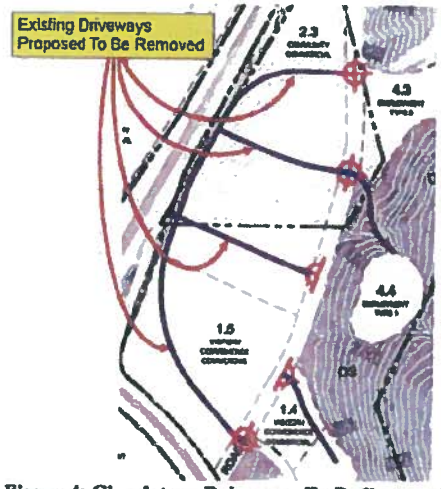



**Figure 4: Circulatory Driveways To Be Removed**

The interior circulatory roadway system in Planning Area 1.5, and Planning Area 2.3 to the north, is proposed to be removed. This will allow the Love's Travel Center to have well-controlled truck movement on the site as shown on the site plan (see Figure 3). With the truck oriented portion of the site dominating the north and west side of the site, it is not feasible to provide a cross-access to the property to the north (also owned by SITLA) with a circulatory roadway since it would introduce passenger vehicles into the truck area. Therefore, the original circulatory road concept is proposed to be removed, as shown in Figure 4. The access to the properties to the north will be from Astragalus Road at the driveway access points indicated. This planning should begin as specific development concepts and plans are proposed

**City Access Management Guidelines for Access Spacing**

The City's Access Management Policy provides techniques to preserve the existing capacity and improve safety as new development occurs. With regard to the subject access, the Policy states that the spacing of this full-movement access in question should ideally be 500 feet from adjacent accesses on this Minor Arterial Road. As shown in Figure 5, the accesses at the Love's Travel Center measures 460 feet, 40 feet shy of the ideal distance in the Policy.

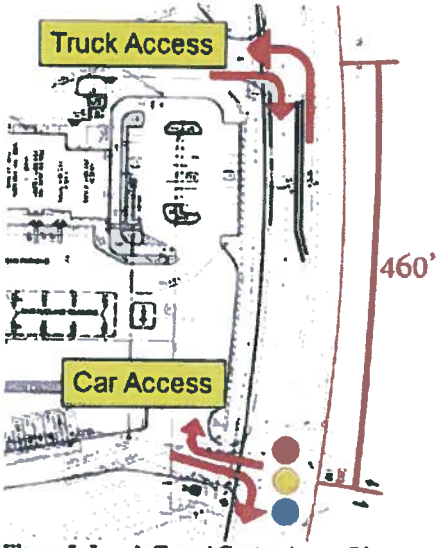



**Figure 5: Love's Travel Center Access Distance**

A "T"-configured intersection is already present at proposed Truck-Only access intersection, as shown in Figure 6. The approved Plan allows a left-turn-out condition with the 460-foot spacing. This request is to line up a driveway across the street from Planning Area 1.4 instead of having an offset driveway that could create a dangerous condition.

Full-movement accesses create delays for low-priority movements, specifically, left turns out of side streets and driveways. Minimum driveway spacing between full-movement driveways increase the odds of not having backed-up traffic from the adjacent intersections, further hindering these left turns. Fortunately for this driveway access, the left-turns out of Love's Travel Center should be minimal since this will exclusively be a truck exit, and they will be turning right to get back onto Southern Parkway, heading to I-15. For this reason, the spacing is not as critical for left turns in this case.

With regard to left-turning vehicles that are entering from Astragalus Road, this 460 feet needs to accommodate northbound left-turning trucks entering Love's Travel Center as well as southbound left-turning vehicles (cars and trucks) that are entering the on-ramp to Southern Parkway. Ideally, the left-turn storage for each direction in the raised median would be designed for the anticipated traffic. Assuming each direction has 200 feet of storage, this would allow two 100-foot interstate tractor trailers in each direction before the storage capacity is exhausted. The only reason two interstate tractor trailer vehicles would be waiting to turn left is if opposing southbound volume was high on Astragalus Road in the future (it is a dead-end situation today). Referring to the Dixie MPO model, it is anticipated that relatively low amounts of traffic for an arterial will use this road in 2040, approximately 8,000 to

10,000 vehicles per day, so it would be very uncommon to have stopped trucks backing into the through lane, blocking the traffic stream.

**Figure 6: Astragalus Road Existing Conditions**

Considering the circumstances of where this site is located and how the circulation of trucks will work on the site with left-turns in and right-turns out, the driveway spacing length of 460 feet should still work adequately while maintaining safety and capacity on Astragalus Road. The current configuration of the median will need to be altered by the development in order to install enough length for a left-turn lane to allow full-movements into this driveway.

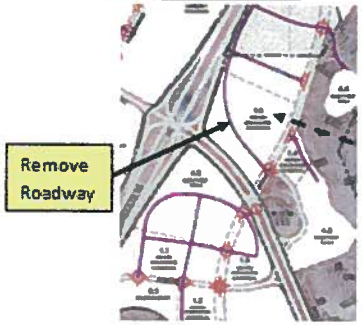
**Summary:**

A "T"-configured intersection is already present at the Planning Area 1.4 access intersection, as shown in Figure 6. The approved Plan allows a left-turn-out condition for Planning Area 1.4 with the 460-foot spacing. With the left-in/right-out circulation plan for trucks visiting Love's Travel Center, adding the fourth leg at this intersection should not have significant impact to the safety or capacity of this intersection.

# Comparison

## 2007 Original Plan

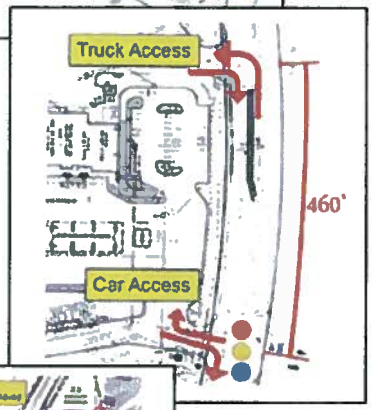
Portion from Original Exhibit 3-6
"Access Management Plan"



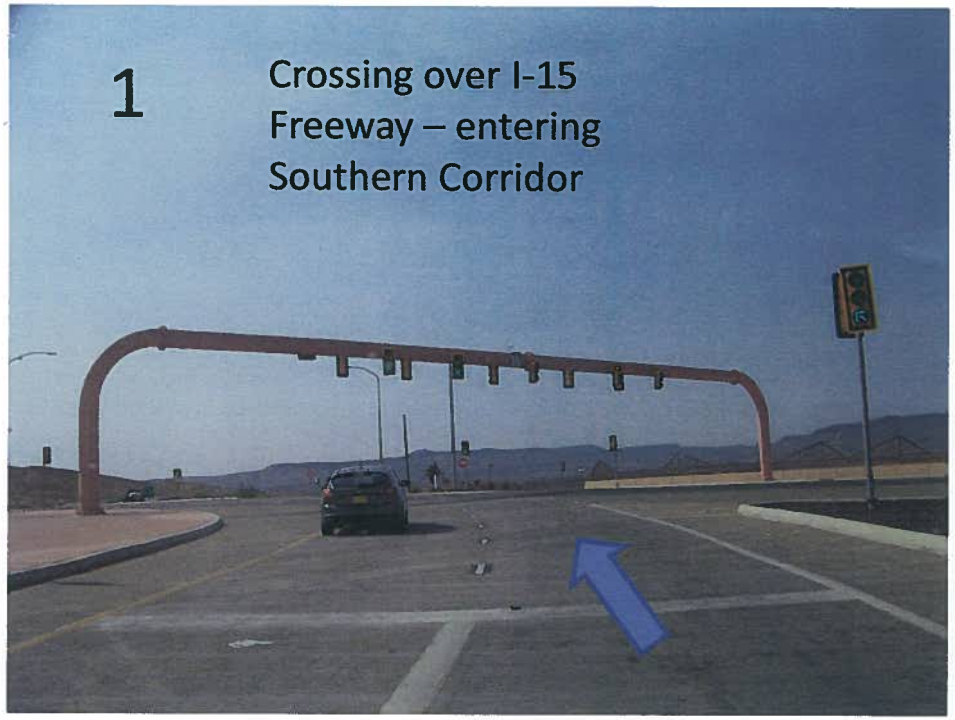

Portion from Original Exhibit 3-2
"Vehicular Circulation Plan"

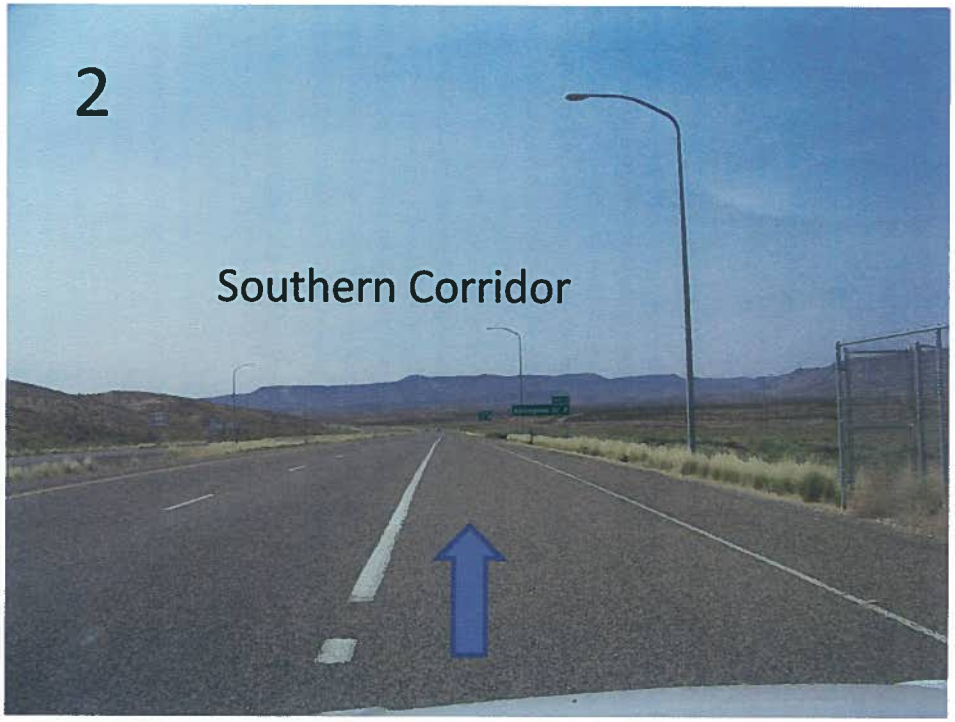
Portion from Original Exhibit 2-3
"Zoning Designation Map"

## 2015 Amendment 3



# Photos
# June 24, 2015


1
Crossing over I-15
Freeway – entering
Southern Corridor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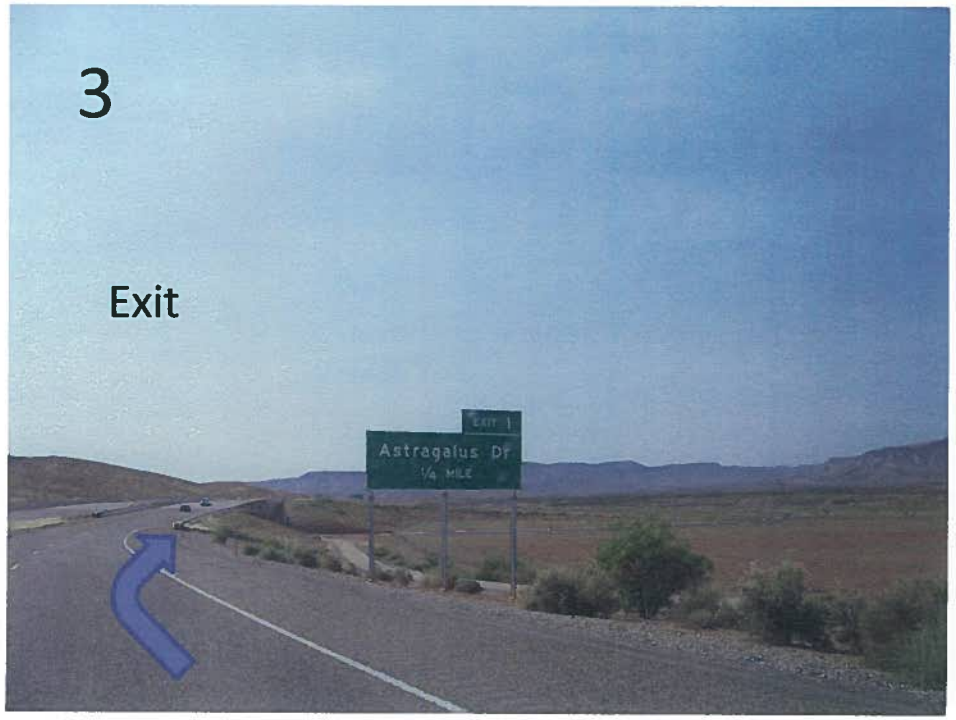
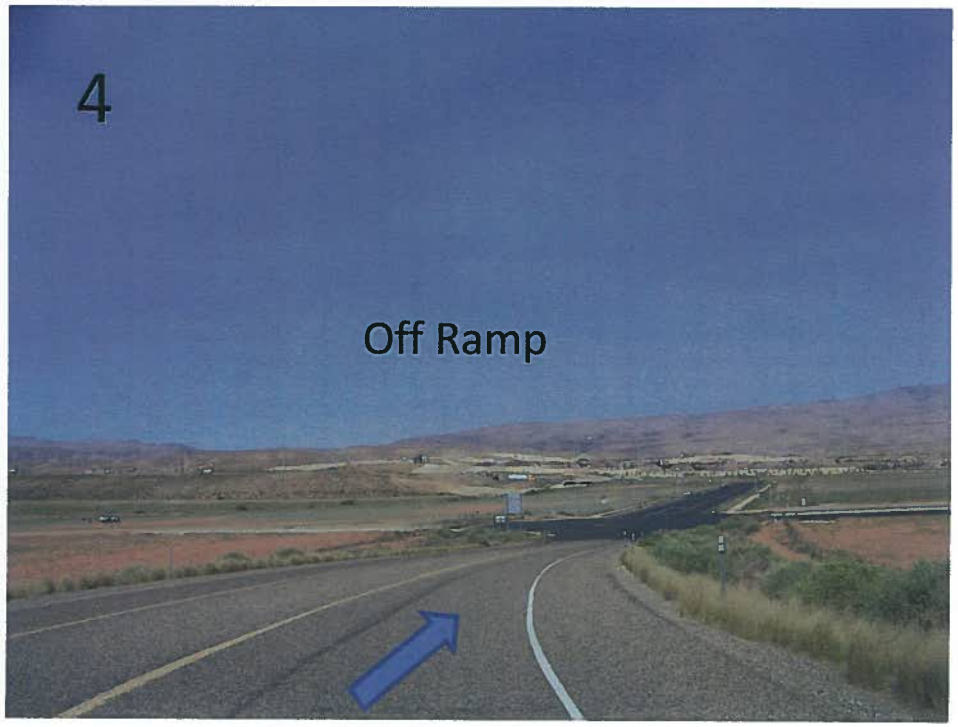
Southern Corridor

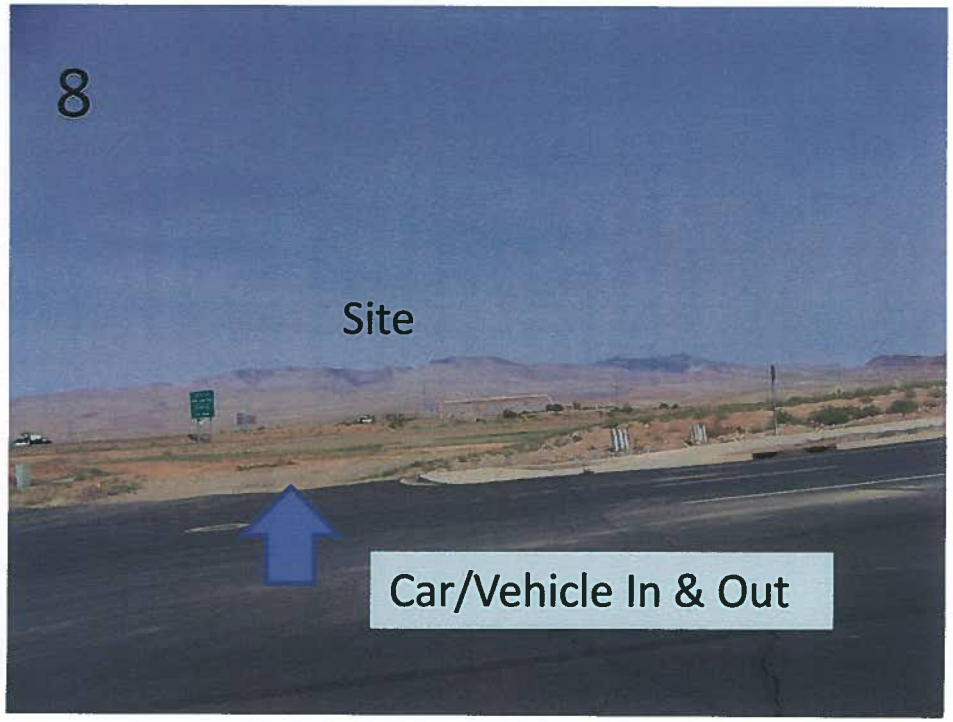

3
Exit
Astragalus Dr
1/4 MILE


4
Off Ramp

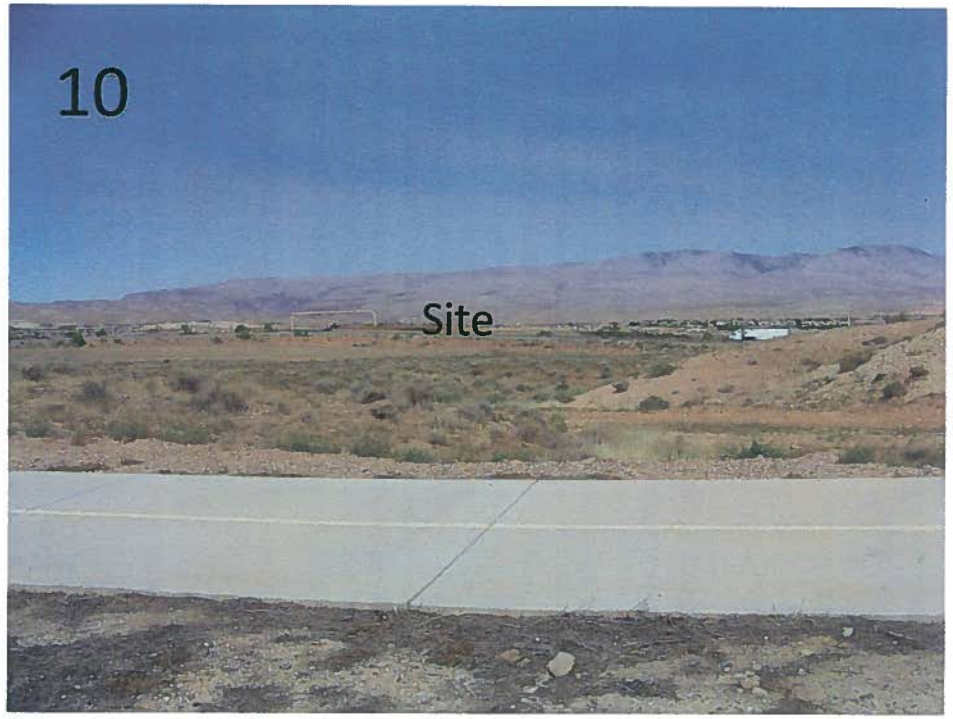
5

6

7
Site


8
Site
Car/Vehicle In & Out

9
Site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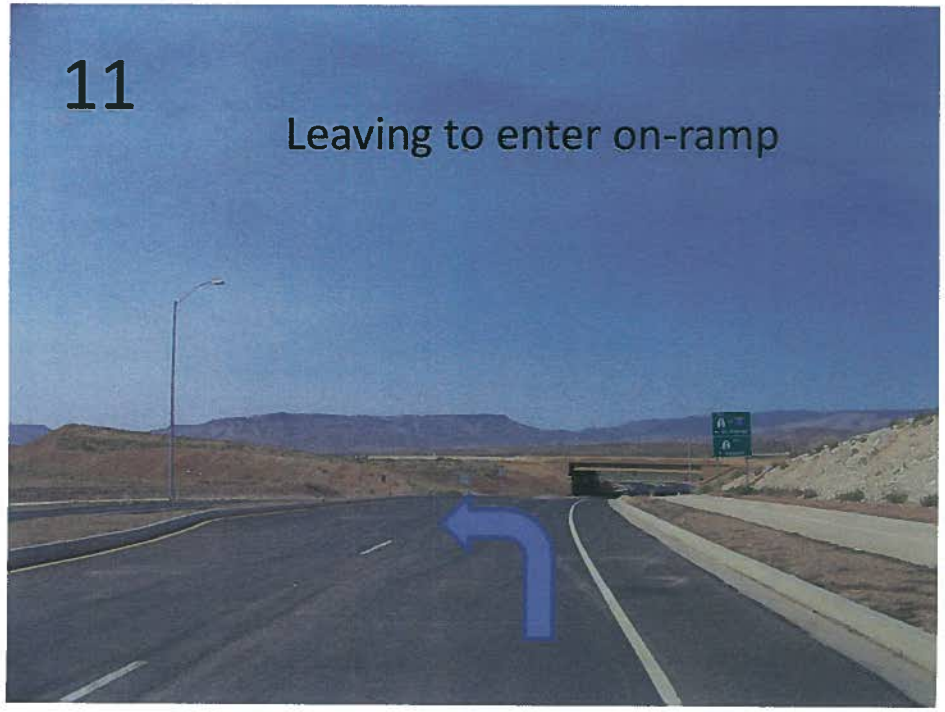
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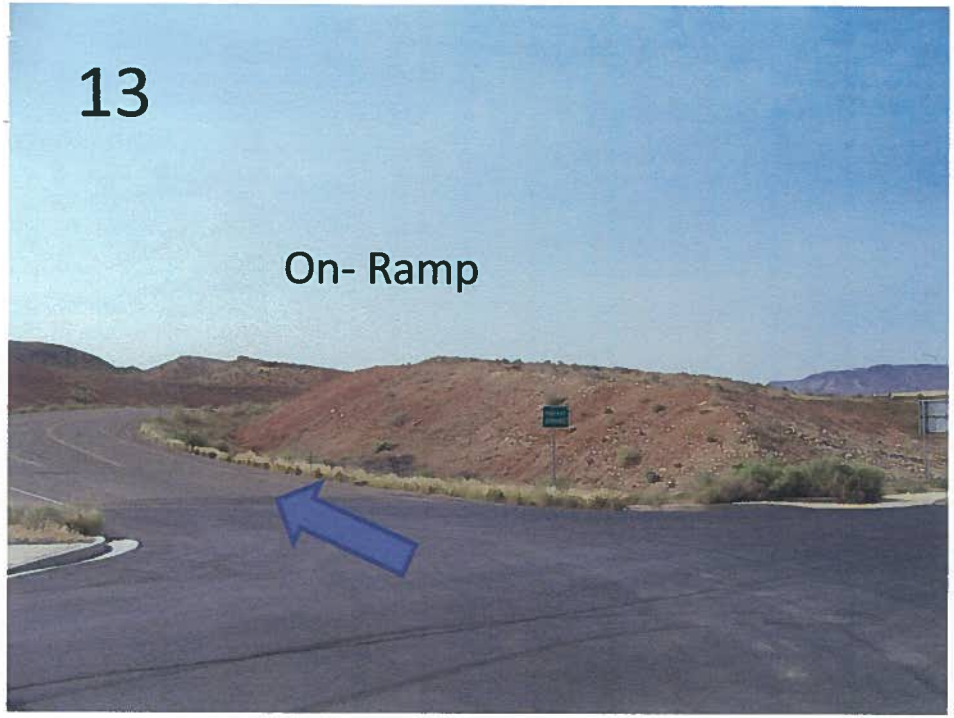
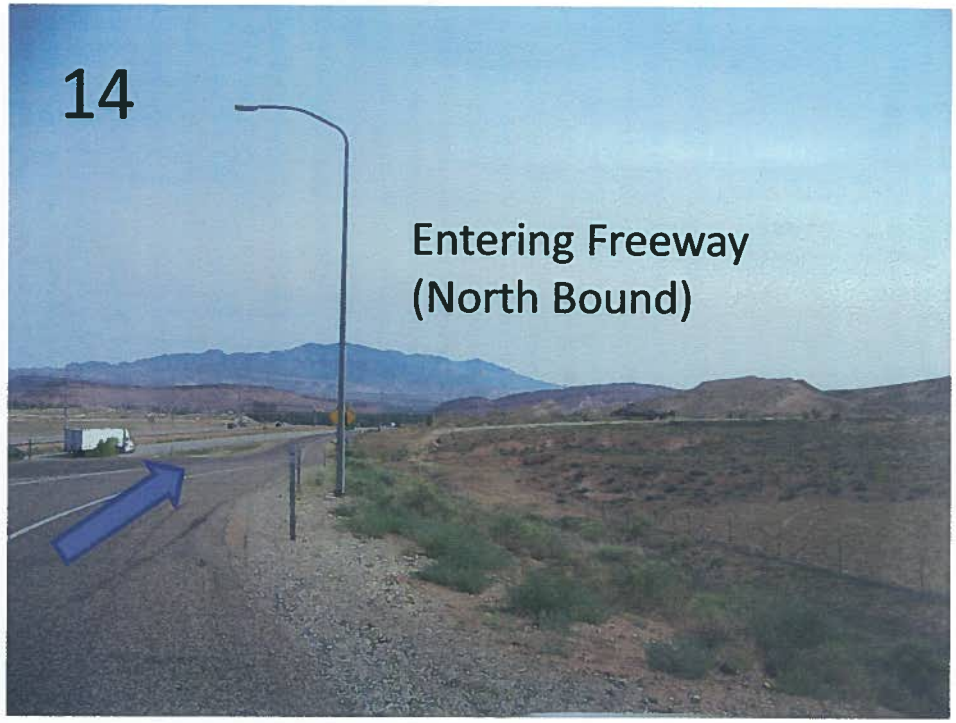
Leaving to enter on-ramp

12


13
On- Ramp


14
Entering Freeway
(North Bound)

On-Site

DRAFT

Agenda Item Number : 3F

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-22 11:28:30 |
| **Applicant** | City of St. George |
| **Quick Title** | Public Hearing, GP Amend and Ord to revise GP text and LU Map |
| **Subject** | Consider an amendment to the General Plan Land Use Designations to provide a new category MHDR (Medium High Density Residential) with a density range of 10 to 15 dwelling units per acre. |
| **Discussion** | The General Plan Land Use designations provide guidance and densities for zone changes in the community. Most of the densities are separated by four or five units. However, High Density Residential (HDR) is 10 to 22 units per acre, which is a broad range and nearly twice the amount of units between the lower and upper range. The proposal to create a new Land Use Designation, Medium High Density Residential (MHD) with a density range of 10 to 15 units per acre. Planning Commission recommends approval. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Staff generated change to make high density projects come under a PD zone so the Council can see the development as part of the zone change process. |
| **Action Taken** | |
| **Requested by** | John Willis |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

# General Plan Amendment

PLANNING COMMISSION AGENDA REPORT: **07/14/2015**
CITY COUNCIL SET DATE: **07/16/2015**
CITY COUNCIL MEETING: **08/06/2015**

GENERAL PLAN AMENDMENT: Case No. 2015-GPA-008 - **Public Hearing**
General Plan Residential Land Use Designations

**Proposal:** To revise the General Plan Land Use Designations and provide a new category.

**Applicant:** The Planning Commission is responsible for recommending a General Plan for the city or sub-areas of the city to the City Council. The General Plan is a guide for land use decisions.

**Comments:** The General Plan Land Use designations provide guidance and densities for zone changes in the community. Most of the densities are separated by four or five units. For instance, Low Density Residential (LDR) is up to 4 units per acre and Medium Density Residential (MDR) is 5 to 9 units per acre. However, High Density Residential (HDR) is 10 to 22 units per acre, which is a broad range and nearly twice the amount of units between the lower and upper range. The type of development could be substantially different at each spectrum of the range. The lower range could result in townhouses or patio homes, as opposed to the upper range that could be four-story apartments. When considering General Plan Amendments, the Planning Commission must consider the entire range of units within a given designations. Furthermore, a property's Land Use designation may be appropriate at the lower range of HDR. However, there is no mechanism to ensure the future project will be at the lower range.

Staff is proposing to create a new Land Use Designation, Medium High Density Residential (MHD) with a density range of 10 to 15 units per acre. Staff believes this will provide a range that will accommodate denser townhouse or other multi-family projects and HDR will be for higher density projects. In addition, the proposal provides more manageable ranges for density.

MHD currently exist in the Little Valley Sub-Area Plan. However, the last amendment to the plan, removed MHD in Little Valley. The Land Use exist on the map legend, but is not being utilized. Staff proposes to remove references to MHD in the Little Valley Sub-Area Plan, given it is outdated and a remnant from previous versions.

**Planning Commission**: PC recommends approval.

Proposed amendments underlined or strikeout.

EXHIBIT "A"

# 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. |
| TOTAL | 13,700 ac. |

## 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

One example of the difference between Zoning Map and the Land Use Plan is the way they each designate the East and West Black Ridges, the prominent landforms that give St. George its unique character. In the Zoning Map these Ridges are uniformly zoned R-1-10. However, on the Land Use Plan, the steep hillsides of these ridges are designated as open space[1] while the mesa tops are designated for low density residential.

How are the differences between the Land Use Plan and the Zoning Map reconciled? If we continue to use the Back Ridge example above, the steep hillsides may be preserved as Open Space (per the Land Use Plan) by transferring the density (homes) from the hillsides to adjacent flat areas. The density in the resulting housing cluster may be higher than the zoning for the parcel but the average density of the whole parcel (housing and open space) should still be consistent with the R-1-10 designation. The objective is to achieve an average development level equal to the designated Zoning. This will allow preservation of key scenic features per the General Plan while maintaining the overall average zoned density.

### 6.2.1 General Land Use Policies:

1. All zoning and other land use decisions shall be consistent with the General Plan.
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.
3. Growth should pay its own way; i.e. the costs for new public infrastructure should be paid by development.
4. New development shall demonstrate that adequate public facilities are available to serve its needs.

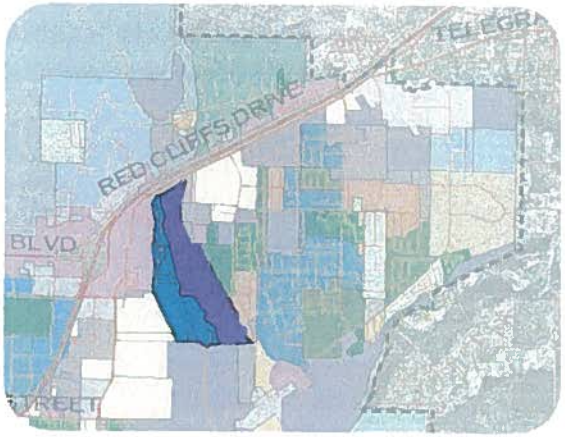



Figure 6-2: Note that the East Black Ridge (purple) has a single designation on the Zoning Map.

Figure 6-3: Note that on the General Plan, the East Black Ridge has areas designated for development (ridgetop) as well as preservation (ridge slopes)

1 To preserve their natural characteristics and prevent problems with erosion and storm runoff, access and visual impacts.

## 6.3 Residential Land Uses

The Land Use Plan proposes the following residential density ranges:

| | |
|---|---|
| Very Low | up to 2 units/acre |
| Low | -up~~2.1~~ to 4 units/acre |
| Medium | 5~~4.1~~ to 9 units/acre |
| Medium High | 10 to 15 units/acre |
| High | —1 6 —~~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 |
| TOTAL | 7535 | 1041 |
| Approved but unbuilt | 6,494 | |

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.
Medium High Density designation provides flexible density ranges, in order to promote a variety of housing types, which are intended to be compatible with adjacent lower density properties.

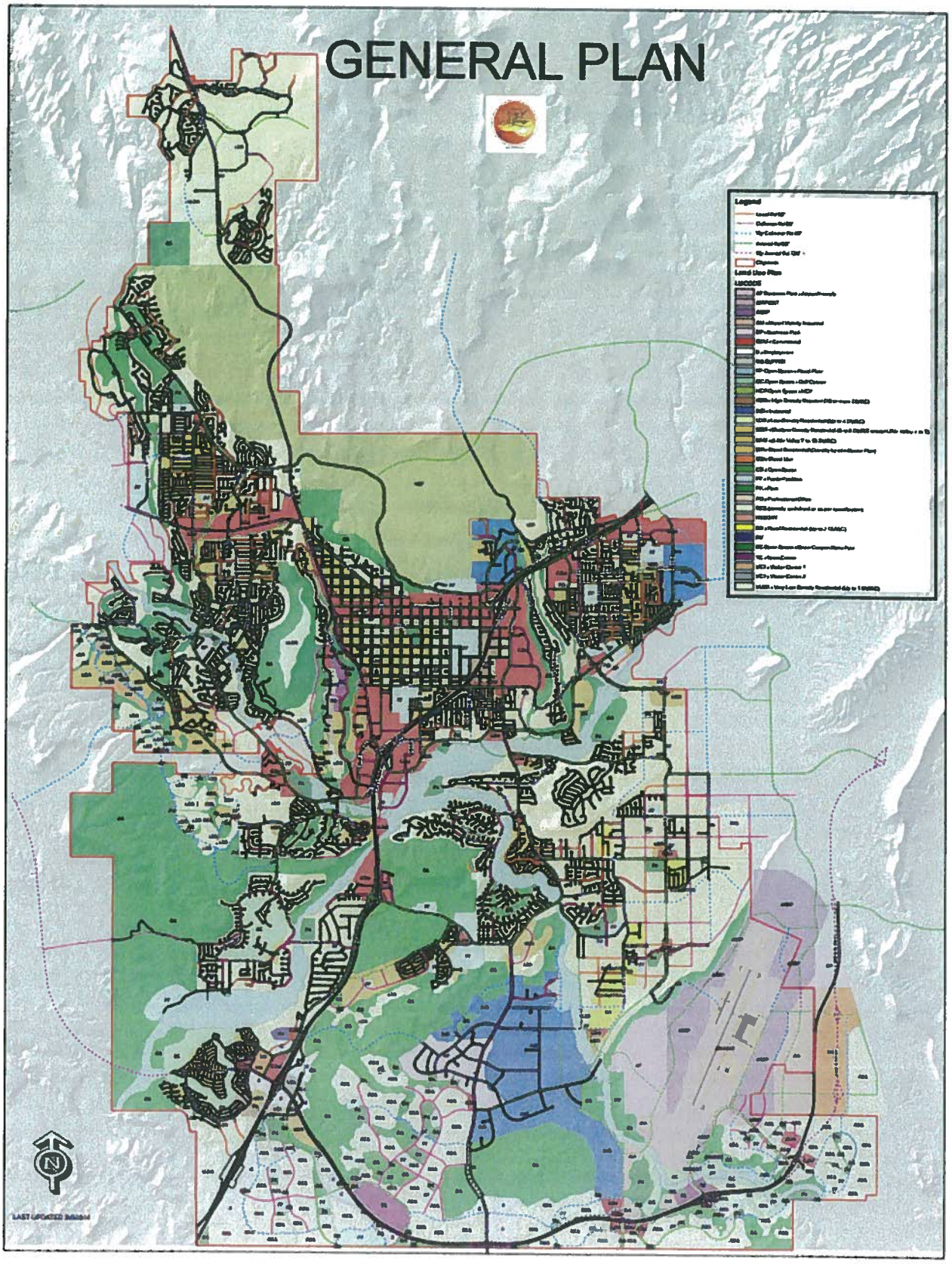
Building at higher densities is one of the most significant ways to reduce housing costs. This is important for retirees, college students, young couples and service workers. Higher density housing also fills a demand in St. George for luxury housing, such as condominiums.

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: |
|---|---|---|
| Residential Very Low Density (VLD):<br>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 |
| Residential Low Density (LD):<br>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 |
| Residential Medium Density (MD):<br>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. | 5 to 9 d.u./ac. | R-1-6, R-1-7, R-2, R-3*, Planned Development Residential, MH-6, MH Parks<br><br>*up to nine d.u./acre |
| Residential Medium High Density (MHD):<br>Allows detached, small lot single family and patio homes, multi-family apartments, duplexes, and townhouses. MHD provides density and flexibility for several housing types. Special attention should be given in site design to ensure compatibility with adjacent lower density residential uses. MHD is an appropriate transition/buffer between higher and lower intense land use designations. | 10 to 15 d.u./ac. | Planned Development Residential, Traditional Neighborhood Development |
| Residential High Density (HD):<br>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. | 160 to 22 d.u./ac. | R-3, R-4, Planned Development Residential |
| Agricultural (A):<br>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. | up to 1 d.u./ac. | A-1, A-5, A-10, A-20, RE-5 |
| Parks (P):<br>Public recreation areas including sports fields and playground areas. | N/A | Public parks may be allowed in all zoning districts. |
| Open Space (OS):<br>Permanent open space, but also allowing limited development activity such as gravel extraction, golf course development, livestock grazing, recreational facilities and public utilities. | N/A | Open Space |

| | | |
|---|---|---|
| Public Facilities (PF):<br>Schools, libraries, fire stations or similar public facilities. | N/A | Public facilities may be allowed in all zoning districts. |
| Professional Office (O):<br>Development of professional offices including business and medical offices but not including retail sales. Often a buffer between residential and commercial or industrial areas. | N/A | A-P, Planned Development Commercial |
| General Commercial (C):<br>Various commercial uses, including the General Commercial areas (C-3), Highway Commercial (C-2) and Neighborhood Convenience Commercial (C-1). | N/A | C-2, C-3, Planned Development Commercial |
| Neighborhood Commercial (NC)<br>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. | | C-1 or PD Commercial |
| Central Business District (CBD)<br>Pedestrian-oriented commercial in the downtown core area. May include shops, restaurants, offices, banking, hotels. | | C-4 |
| Regional Commercial (RC)<br>Shopping centers, big box stores and strip commercial centers that cater to, and are dependent upon, clientele from a regional service area. | | C-3, PD Commercial |
| Industrial (I):<br>Various light manufacturing and industrial uses. Areas should be away from residential developments and near major arterial roads, particularly I-15. | N/A | M-1, M-2 |
| Business-Research Park (BP):<br>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. |

# GENERAL PLAN



HCP Open Space - HCP

HDR - High Density Resident (~~10 or more DU/AC)~~ (16 or more DU/AC)

IND - Industrial

LDR - Low Density Residential (Up to 4 DU/AC)

MDR - Medium Density Residential (5 to 9 DU/AC except Little Valley 4 to 7)

MHD - ~~(Little Valley 7 to 10 DU/AC)~~ Medium High Density 10 to 15 DU/AC

# Little Valley Sub Area Plan

## An element of the City of St. George General Plan

Public Hearings held as follows; Planning

Commission February 13, 2007

City Council March 1, 2007

Recommended for adoption by the City Planning Commission on
February 13, 2007

Adopted by the City Council on
March 1, 2007

## 5.1 Key Elements

The proposed Little Valley sub-area plan aims to balance the wants and needs of all residents by:

1) Existing equestrian enclaves are preserved, but new ones are not proposed. Existing equestrian neighborhoods are preserved with "buffer.;" established on immediately adjoining land. The proposed buffer zone surrounding all equestrian enclaves (on adjacent property) is intended to be either open space, large lot development (3/4 to 1 acre lots), roads and trail corridor, or a combination that could include cluster development with a large open space component). The buffer zones will act as a transition area and adjacent development will gradually transition to increased density further away.
2) Much of the Little Valley subarea is designated as Residential. It is intended that these areas will have varying, and mixed densities, consistent with the overall density assigned to the Residential category (1 to 4 dwelling units per acre). This general Residential category is also assumed to include provision of churches, neighborhood parks and convenience-oriented commercial such as comer stores.
3) Commercial areas are located at major intersections including 3000 E and E 2450 S, and 3000 E and 700 S. The location of these commercial areas allows them to serve both existing and planned developments. The location of commercial centers also takes into account the location of commercial centers proposed by Washington City.
4) Higher densities, including medium ~~and medium high~~, will be clustered around commercial and urban amenity sites. This will allow for residents living in the higher density areas to walk to stores, schools, churches and parks, thus decreasing the chances of heavy traffic flow. This creates walkable neighborhoods while preserving open space and green space both near the urban amenities as well as throughout the rest of Little Valley.
5) Also important, the higher densities create an opportunity for affordable housing, which has been a significant need in St. George.
6) To meet the need for areas to ride horses, a horse trail throughout Little Valley will provide connectivity from each enclave to open space along the Virgin River and along the irrigation canal, which will then connect to the Washington City extension of the canal trail.
7) The Sub-area Plan indicates general locations of schools. If the Plan is developed at the middle or higher range of the densities shown below, more schools will be required than are shown.
8) Some Neighborhood parks are indicated adjacent to the school sites to underscore the mandate to construct parks and schools together so they can share facilities and reduce the necessity of the School District providing and maintaining play fields. Community parks are indicated in generally central locations. A new regional park is shown on the Virgin River near 700 South. The size of the park designations is not necessarily indicative of the size of parks that will be required.
9) In general the Sub-area Plan attempts to reflect the Policies listed in Section 5.4 below.

## 5.2 The Land Use Categories:

An important part of this sub-area plan is to modify the zoning to accommodate the changes that are expected to occur in relation to the current development pressures. The land use categories in the proposed sub-area plan are intended to reflect a density range that will produce development of consistent character. For example, developments in the range from 3.9 to 6 units per gross acre (equivalent to R-1-6, R·1-7 and R-1-8 zoning} differ only slightly in character from each other, but development in this range differs greatly in appearance from development at 3 units per acre (equivalent to R-1·10).

Note that lot-size-averaging is proposed in Little Valley to create even more subtle variation in lot sizes to accomplish transition in densities.

•<u>Estate/Equestrian/Agriculture</u> consists of 1- to 5-acre lots with agricultural uses (including horses) permitted. The areas designated in Little Valley are primarily existing properties of this type.

•Residential (Low Density) ranges from 1.1 to 4.0 units per acres, with an average of about 2 1/2 units per acre. At this density, the net lot size will range from 30,000 square feet to 8,000 square feet, after deducting roads and amenities (typically 15-20% of the gross acres are used for roads and amenities).
• Medium Density is proposed to range from 4.1 to 7 units per acre, and will also be located near an urban center. The average will be 5 units per acre. After factoring in the amount of s pace needed for roads and amenities, the net lot size will range from 8,300 square feet to about 4,500 square feet Per lot.
• ~~Medium High Density is proposed to range from 7.1 to 10 units per acre. As mentioned above, these areas will cluster around commercial sites, schools, churches and parks. The average will be about 7 units per acre. After factoring in the amount of land needed for roads and alleyways, the net lot size will range from approximately 4,000 to 3,000 square feet. Medium High Density will also include town homes, which helps to provide affordable housing and workforce housing.~~
• Commercial is intended to be mixed use with a density range of 4 to 7 units per acre (over and above retail uses.)

These categories are summarized and related to existing zoning categories in the table below.

| Land Use Category | Low | | High | | Comparable Zoning |
|---|---|---|---|---|---|
| | Units per gross acre | Net lot size | Units per gross acre | Net lot size | |
| ~~Medium / High~~ | ~~7.1~~ | ~~4,000~~ | ~~10~~ | ~~3,585~~ | ~~TND or PD Residential~~ |
| Medium Density | 4.1 | 8,273 | 7 | 4,500 | TND, PD Residential, R-1-6, |
| Residential (Low Density) | 1.1 | 29,333 | 4.0 | 8,491 | TND, PD Residential, R-1-8, R-1- 10, R-1-12, R-1-20, |
| Estate / Equestrian/ Agriculture | 0.2 | 40,000 | 1.0 | 16,133 | A-1, RE-20, RE-37.5 |
| Commercial | 4.0 | Not Applicable | 7.0 | Not Applicable | C1, C2, C3, or PD Commercial |

Note that the Sub-area Plan indicates several Town Centers that include a mix of uses and are generally surrounded by higher densities. All areas designated for residential uses are understood to include a mix of densities and even small, convenience-oriented commercial (scaled to the service area) as well as churches, parks and squares. Density for all residential areas may *average* within the ranges shown in t he table above.

## 5.3 Implications of the Plan

The densities indicated in the Little Valley Plan (study area) would result in the following:

| Supply | *Acres* | Range Low | Range High | Estimate |
|---|---|---|---|---|
| Dwelling Units {d.u.'s) | | | | |
| Residential | *1681* | 1,849 | 6,724 | 5,043 |
| Medium Density | *418* | 1,714 | 2,926 | 2,090 |
| ~~Medium High Density~~ | ~~*182*~~ | ~~1,292~~ | ~~1,820~~ | ~~1,456~~ |
| Town center mixed use | *66* | 264 | 462 | 330 |
| Total | *2,347* | 5,119 | 11,932 | 8,919 |

| | | | |
|---|---|---|---|
| Population | | | |
| Total (3.0/d.u. | 15,357 | 35,796 | 26,757 |
| Elementary-school-age (.5/d.u.) | 2,560 | 5,966 | 4,460 |
| Middle-school-age (.3/d.u.) | 1,536 | 3,580 | 2,676 |
| High-school-age (.2/d.u.) | 1,024 | 2,386 | 1,784 |
| Demand | | | |
| Schools | | | |
| Elementary schools (800/bldg) | 3.7 | 8.5 | 6.4 |
| Middle schools (1000/bldg) | 1.5 | 3.6 | 2.7 |
| High school age (2,000/bldg) | 0.5 | 1.2 | 0.9 |
| Parks | | | |
| Neighborhood park acres (4 ac/1k pop) | 61 | 143 | 107 |
| Community park acres (6 ac/1k pop) | 92 | 215 | 161 |
| Total park acres | 154 | 358 | 268 |

**Subdivision Planning and Design:**

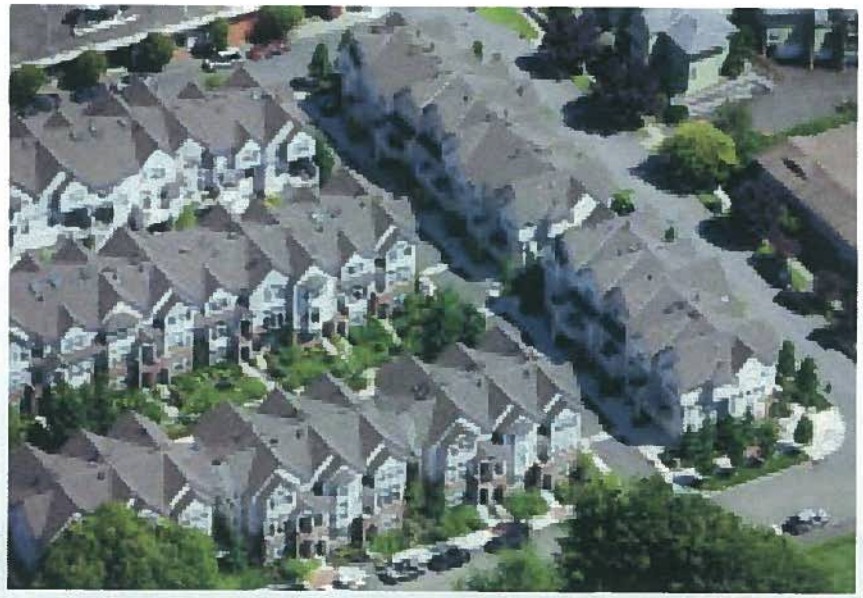
12. The land uses designated in the Little Valley Sub-area Plan are intended to show general locations of major centers of commercial ~~and medium high density~~ development. It is understood that smaller, mixed-use Neighborhood Centers may be appropriate in other areas (designated as Residential). In order to allow and encourage appropriate mixed-use Neighborhood Centers, in areas designated Residential, projects complying with TND guidelines may be granted densities higher than the 4 du/acre maximum.
13. Commercial and Mixed-use Neighborhood Centers should be placed in locations that will allow them to be financially self-sustaining. For example, they should be spaced adequate distances from other commercial centers, they should be surrounded with medium ~~and medium high~~ density residential uses, and they should be located near major street intersections.
14. Densities shall "feather", or transition, in a gradual pattern with higher densities in neighborhood centers.

# Request

- Create a new land use category Medium High Density Residential (MHD) 10 to 15 Dwelling Units Per Acre
- HDR  16 to 22 Dwelling Units Per Acre
- Remove the LU from the Little Valley SubArea Plan.

# Density Examples

Sandusky, OH 10.2 units / acre



Lake Oswego, OR 10.0 units / acre

Hermosa Beach, CA 10.0 units / acre

Sacramento, CA 10.7 units / acre

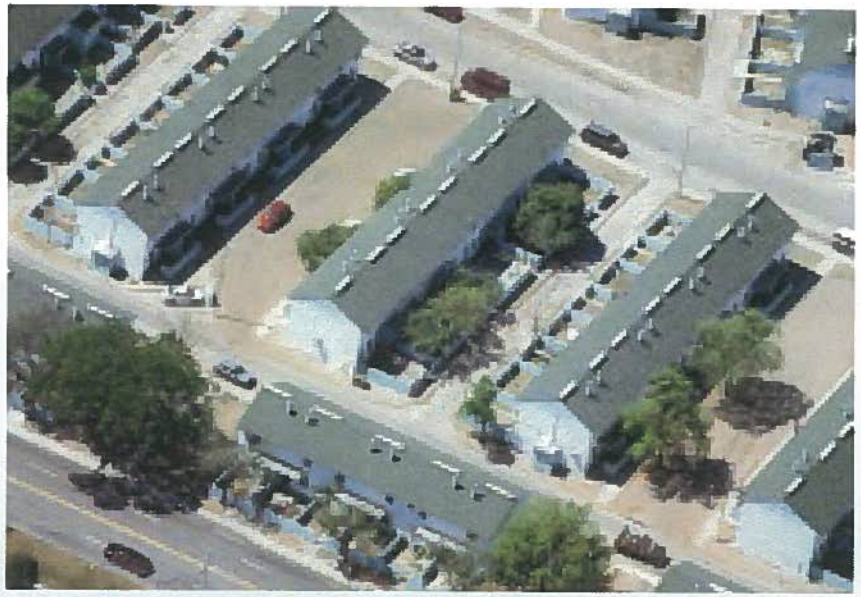
Mtn. View, CA 11.0 units / acre

Hamtramck, MI 11.2 units / acre

Kansas City, KS 11.1 units / acre

Cambridge, MA 12.6 units / acre

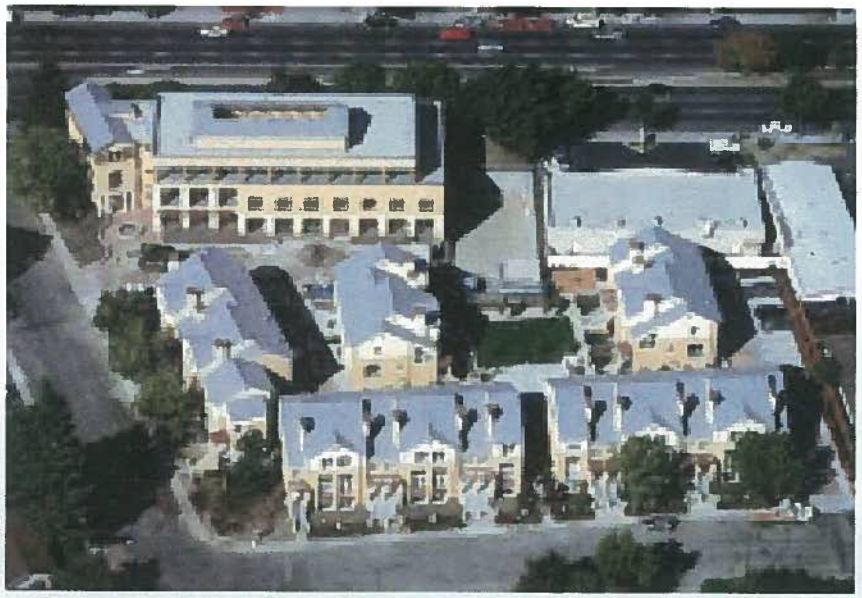
Detroit, MI 13.7 units / acre



Tampa, FL 15.6 units / acre

Denver, CO 15.5 units / acre

Baltimore, MD 15.0 units / acre



Mtn. View, CA 16.3 units / acre

Chicago, IL 18.0 units / acre

Salt Lake City, UT 20.6 units / acre

Boise, ID 22.3 units / acre

**ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE CITY GENERAL PLAN AND LAND USE MAP TO PROVIDE A NEW LAND USE CATEGORY MEDIUM HIGH DENSITY RESIDENTIAL (MHDR), AMEND HIGH DENSITY RESIDENTIAL, AND THE LITTLE VALLEY SUB-AREA MASTER PLAN**

**WHEREAS**, The General Plan Land Use designations provides guidance and densities for zone changes in the community and the City may revise the General Plan as appropriate.; and

**WHEREAS**, the City Council held a public hearing on the requested change to the General Plan on August 6, 2015; and

**WHEREAS**, the Planning Commission held a public hearing on July 14, 2015, and

**WHEREAS,** the City Council has determined that a change to the General Plan is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** The General Plan and Land Use Map is hereby amended by Exhibit 'A' attached.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 6th day of August, 2015.

_____

Jonathan T. Pike, Mayor

ATTEST:

_____

Christina Fernandez, City Recorder

EXHIBIT "A"

# 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. |
| TOTAL | 13,700 ac. |

## 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.

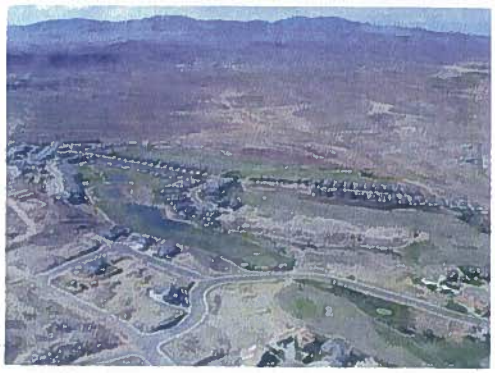


Figure 6-1: An aerial view of Sun River

One example of the difference between Zoning Map and the Land Use Plan is the way they each designate the East and West Black Ridges, the prominent landforms that give St. George its unique character. In the Zoning Map these Ridges are uniformly zoned R-1-10. However, on the Land Use Plan, the steep hillsides of these ridges are designated as open space[1] while the mesa tops are designated for low density residential.

How are the differences between the Land Use Plan and the Zoning Map reconciled? If we continue to use the Back Ridge example above, the steep hillsides may be preserved as Open Space (per the Land Use Plan) by transferring the density (homes) from the hillsides to adjacent flat areas. The density in the resulting housing cluster may be higher than the zoning for the parcel but the average density of the whole parcel (housing and open space) should still be consistent with the R-1-10 designation. The objective is to achieve an average development level equal to the designated Zoning. This will allow preservation of key scenic features per the General Plan while maintaining the overall average zoned density.

### 6.2.1 General Land Use Policies:

1. All zoning and other land use decisions shall be consistent with the General Plan.
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.
3. Growth should pay its own way; i.e. the costs for new public infrastructure should be paid by development.
4. New development shall demonstrate that adequate public facilities are available to serve its needs.

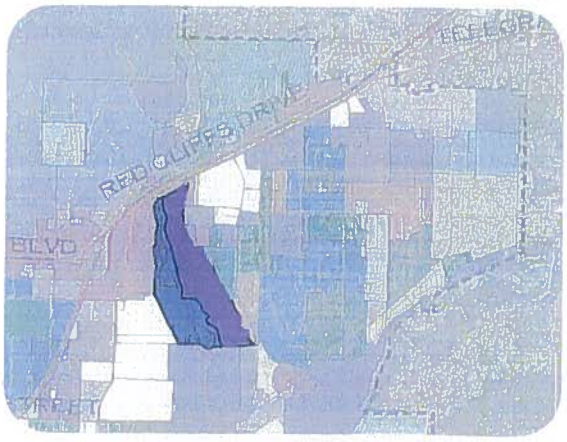



Figure 6-2: Note that the East Black Ridge (purple) has a single designation on the Zoning Map.

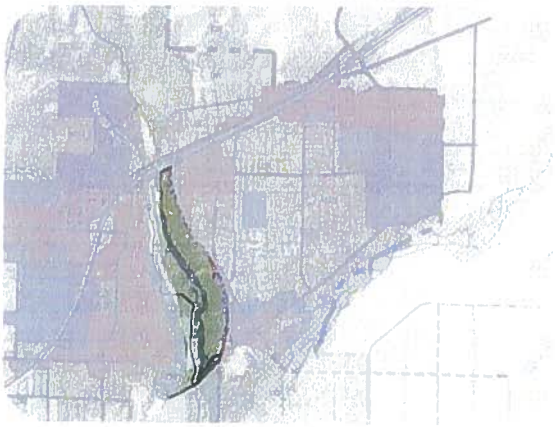


Figure 6-3: Note that on the General Plan, the East Black Ridge has areas designated for development (ridgetop) as well as preservation (ridge slopes)

1 To preserve their natural characteristics and prevent problems with erosion and storm runoff, access and visual impacts.

## 6.3 Residential Land Uses

The Land Use Plan proposes the following residential density ranges:

| | |
|---|---|
| Very Low | up to 2 units/acre |
| Low | -up~~2.1~~ to 4 units/acre |
| Medium | 5~~4.1~~ to 9 units/acre |
| Medium High | 10 to 15 units/acre |
| High | —-1 6 —~~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 |
| TOTAL | 7535 | 1041 |
| Approved but unbuilt | 6,494 | |

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.
Medium High Density designation provides flexible density ranges, in order to promote a variety of housing types, which are intended to be compatible with adjacent lower density properties.

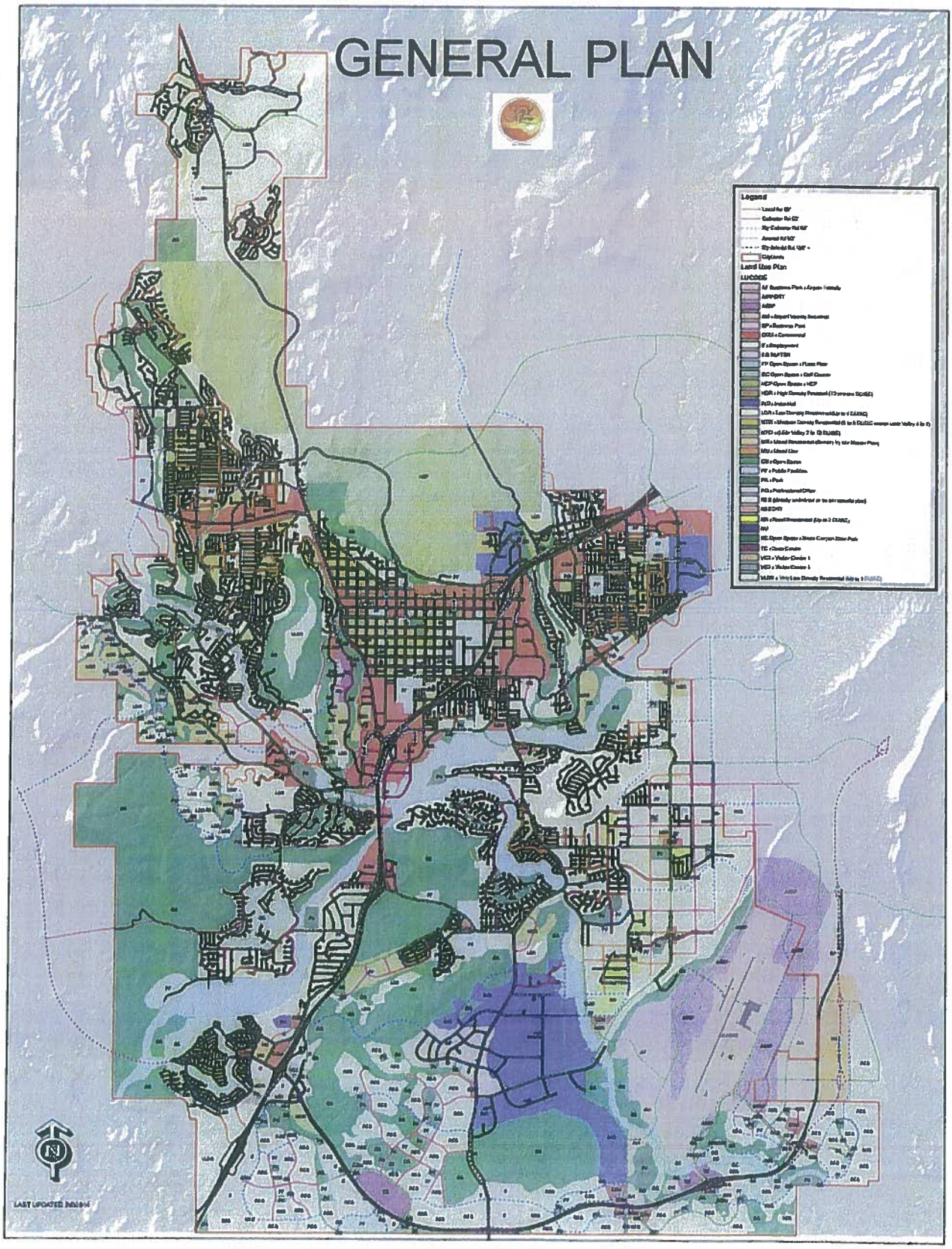
Building at higher densities is one of the most significant ways to reduce housing costs. This is important for retirees, college students, young couples and service workers. Higher density housing also fills a demand in St. George for luxury housing, such as condominiums.

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: |
|---|---|---|
| Residential Very Low Density (VLD):<br>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 |
| Residential Low Density (LD):<br>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 |
| Residential Medium Density (MD):<br>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. | 5 to 9 d.u./ac. | R-1-6, R-1-7, R-2, R-3*, Planned Development Residential, MH-6, MH Parks<br><br>*up to nine d.u./acre |
| Residential Medium High Density (MHD):<br>Allows detached, small lot single family and patio homes, multi-family apartments, duplexes, and townhouses. MHD provides density and flexibility for several housing types. Special attention should be given in site design to ensure compatibility with adjacent lower density residential uses. MHD is an appropriate transition/buffer between higher and lower intense land use designations. | 10 to 15 d.u./ac. | Planned Development Residential, Traditional Neighborhood Development |
| Residential High Density (HD):<br>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. | 16~~0~~ to 22 d.u./ac. | R-3, R-4, Planned Development Residential |
| Agricultural (A):<br>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. | up to 1 d.u./ac. | A-1, A-5, A-10, A-20, RE-5 |
| Parks (P):<br>Public recreation areas including sports fields and playground areas. | N/A | Public parks may be allowed in all zoning districts. |
| Open Space (OS):<br>Permanent open space, but also allowing limited development activity such as gravel extraction, golf course development, livestock grazing, recreational facilities and public utilities. | N/A | Open Space |

| | | |
|---|---|---|
| Public Facilities (PF):<br>Schools, libraries, fire stations or similar public facilities. | N/A | Public facilities may be allowed in all zoning districts. |
| Professional Office (O):<br>Development of professional offices including business and medical offices but not including retail sales. Often a buffer between residential and commercial or industrial areas. | N/A | A-P, Planned Development Commercial |
| General Commercial (C):<br>Various commercial uses, including the General Commercial areas (C-3), Highway Commercial (C-2) and Neighborhood Convenience Commercial (C-1). | N/A | C-2, C-3, Planned Development Commercial |
| Neighborhood Commercial (NC)<br>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. | | C-1 or PD Commercial |
| Central Business District (CBD)<br>Pedestrian-oriented commercial in the downtown core area. May include shops, restaurants, offices, banking, hotels. | | C-4 |
| Regional Commercial (RC)<br>Shopping centers, big box stores and strip commercial centers that cater to, and are dependent upon, clientele from a regional service area. | | C-3, PD Commercial |
| Industrial (I):<br>Various light manufacturing and industrial uses. Areas should be away from residential developments and near major arterial roads, particularly I-15. | N/A | M-1, M-2 |
| Business-Research Park (BP):<br>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. |

# GENERAL PLAN



HCP Open Space - HCP

HDR - High Density Resident (~~10 or more DU/AC)~~ (16 or more DU/AC)

IND - Industrial

LDR - Low Density Residential (Up to 4 DU/AC)

MDR - Medium Density Residential (5 to 9 DU/AC except Little Valley 4 to 7)

MHD - ~~(Little Valley 7 to 10 DU/AC)~~ Medium High Density 10 to 15 DU/AC

# Little Valley Sub Area Plan

## An element of the City of St. George General Plan

Public Hearings held as follows; Planning

Commission February 13, 2007

City Council March 1, 2007

Recommended for adoption by the City Planning Commission on
February 13, 2007

Adopted by the City Council on
March 1, 2007

## 5.1 Key Elements

The proposed Little Valley sub-area plan aims to balance the wants and needs of all residents by:

1) Existing equestrian enclaves are preserved, but new ones are not proposed. Existing equestrian neighborhoods are preserved with "buffer.;" established on immediately adjoining land. The proposed buffer zone surrounding all equestrian enclaves (on adjacent property) is intended to be either open space, large lot development (3/4 to 1 acre lots), roads and trail corridor, or a combination that could include cluster development with a large open space component). The buffer zones will act as a transition area and adjacent development will gradually transition to increased density further away.
2) Much of the Little Valley subarea is designated as Residential. It is intended that these areas will have varying, and mixed densities, consistent with the overall density assigned to the Residential category (1 to 4 dwelling units per acre). This general Residential category is also assumed to include provision of churches, neighborhood parks and convenience-oriented commercial such as comer stores.
3) Commercial areas are located at major intersections including 3000 E and E 2450 S, and 3000 E and 700 S. The location of these commercial areas allows them to serve both existing and planned developments. The location of commercial centers also takes into account the location of commercial centers proposed by Washington City.
4) Higher densities, including medium ~~and medium-high~~, will be clustered around commercial and urban amenity sites. This will allow for residents living in the higher density areas to walk to stores, schools, churches and parks, thus decreasing the chances of heavy traffic flow. This creates walkable neighborhoods while preserving open space and green space both near the urban amenities as well as throughout the rest of Little Valley.
5) Also important, the higher densities create an opportunity for affordable housing, which has been a significant need in St. George.
6) To meet the need for areas to ride horses, a horse trail throughout Little Valley will provide connectivity from each enclave to open space along the Virgin River and along the irrigation canal, which will then connect to the Washington City extension of the canal trail.
7) The Sub-area Plan indicates general locations of schools. If the Plan is developed at the middle or higher range of the densities shown below, more schools will be required than are shown.
8) Some Neighborhood parks are indicated adjacent to the school sites to underscore the mandate to construct parks and schools together so they can share facilities and reduce the necessity of the School District providing and maintaining play fields. Community parks are indicated in generally central locations. A new regional park is shown on the Virgin River near 700 South. The size of the park designations is not necessarily indicative of the size of parks that will be required.
9) In general the Sub-area Plan attempts to reflect the Policies listed in Section 5.4 below.

## 5.2 The Land Use Categories:

An important part of this sub-area plan is to modify the zoning to accommodate the changes that are expected to occur in relation to the current development pressures. The land use categories in the proposed sub-area plan are intended to reflect a density range that will produce development of consistent character. For example, developments in the range from 3.9 to 6 units per gross acre (equivalent to R-1-6, R·1-7 and R-1-8 zoning} differ only slightly in character from each other, but development in this range differs greatly in appearance from development at 3 units per acre (equivalent to R-1·10).

Note that lot-size-averaging is proposed in Little Valley to create even more subtle variation in lot sizes to accomplish transition in densities.

•<u>Estate/Equestrian/Agriculture</u> consists of 1- to 5-acre lots with agricultural uses (including horses) permitted. The areas designated in Little Valley are primarily existing properties of this type.

•Residential (Low Density) ranges from 1.1 to 4.0 units per acres, with an average of about 2 1/2 units per acre. At this density, the net lot size will range from 30,000 square feet to 8,000 square feet, after deducting roads and amenities (typically 15-20% of the gross acres are used for roads and amenities).
• Medium Density is proposed to range from 4.1 to 7 units per acre, and will also be located near an urban center. The average will be 5 units per acre. After factoring in the amount of s pace needed for roads and amenities, the net lot size will range from 8,300 square feet to about 4,500 square feet Per lot.
• ~~Medium High Density is proposed to range from 7.1 to 10 units per acre. As mentioned above, these areas will cluster around commercial sites, schools, churches and parks. The average will be about 7 units per acre. After factoring in the amount of land needed for roads and alleyways, the net lot size will range from approximately 4,000 to 3,000 square feet. Medium High Density will also include town homes, which helps to provide affordable housing and workforce housing.~~
• Commercial is intended to be mixed use with a density range of 4 to 7 units per acre (over and above retail uses.)

These categories are summarized and related to existing zoning categories in the table below.

| Land Use Category | Low | | High | | Comparable Zoning |
|---|---|---|---|---|---|
| | Units per gross acre | Net lot size | Units per gross acre | Net lot size | |
| ~~Medium / High~~ | ~~7.1~~ | ~~4,000~~ | ~~10~~ | ~~3,585~~ | ~~TND or PD Residential~~ |
| Medium Density | 4.1 | 8,273 | 7 | 4,500 | TND, PD Residential, R-1-6, |
| Residential (Low Density) | 1.1 | 29,333 | 4.0 | 8,491 | TND, PD Residential, R-1-8, R-1- 10, R-1-12, R-1-20, |
| Estate / Equestrian/ Agriculture | 0.2 | 40,000 | 1.0 | 16,133 | A-1, RE-20, RE-37.5 |
| Commercial | 4.0 | Not Applicable | 7.0 | Not Applicable | C1, C2, C3, or PD Commercial |

Note that the Sub-area Plan indicates several Town Centers that include a mix of uses and are generally surrounded by higher densities. All areas designated for residential uses are understood to include a mix of densities and even small, convenience-oriented commercial (scaled to the service area) as well as churches, parks and squares. Density for all residential areas may *average* within the ranges shown in t he table above.

5.3 Implications of the Plan

The densities indicated in the Little Valley Plan (study area) would result in the following:

| Supply | *Acres* | Range Low | High | Estimate |
|---|---|---|---|---|
| Dwelling Units {d.u.'s) | | | | |
| Residential | *1681* | 1,849 | 6,724 | 5,043 |
| Medium Density | *418* | 1,714 | 2,926 | 2,090 |
| ~~Medium High Density~~ | ~~*182*~~ | ~~1,292~~ | ~~1,820~~ | ~~1,456~~ |
| Town center mixed use | *66* | 264 | 462 | 330 |
| Total | *2,347* | 5,119 | 11,932 | 8,919 |

| | | | |
|---|---|---|---|
| Population | | | |
| Total (3.0/d.u. | 15,357 | 35,796 | 26,757 |
| Elementary-school-age (.5/d.u.) | 2,560 | 5,966 | 4,460 |
| Middle-school-age (.3/d.u.) | 1,536 | 3,580 | 2,676 |
| High-school-age (.2/d.u.) | 1,024 | 2,386 | 1,784 |
| Demand | | | |
| Schools | | | |
| Elementary schools (800/bldg) | 3.7 | 8.5 | 6.4 |
| Middle schools (1000/bldg) | 1.5 | 3.6 | 2.7 |
| High school age (2,000/bldg) | 0.5 | 1.2 | 0.9 |
| Parks | | | |
| Neighborhood park acres (4 ac/1k pop) | 61 | 143 | 107 |
| Community park acres (6 ac/1k pop) | 92 | 215 | 161 |
| Total park acres | 154 | 358 | 268 |

**Subdivision Planning and Design:**

12. The land uses designated in the Little Valley Sub-area Plan are intended to show general locations of major centers of commercial ~~and medium-high density~~ development. It is understood that smaller, mixed-use Neighborhood Centers may be appropriate in other areas (designated as Residential). In order to allow and encourage appropriate mixed-use Neighborhood Centers, in areas designated Residential, projects complying with TND guidelines may be granted densities higher than the 4 du/acre maximum.
13. Commercial and Mixed-use Neighborhood Centers should be placed in locations that will allow them to be financially self-sustaining. For example, they should be spaced adequate distances from other commercial centers, they should be surrounded with medium~~- and medium-high~~ density residential uses, and they should be located near major street intersections.
14. Densities shall "feather", or transition, in a gradual pattern with higher densities in neighborhood centers.

3F

# 2015-GPA-~~009~~ 008

# Medium High Density Residential

# Request

- Create a new land use category Medium High Density Residential (MHD) 10 to 15 Dwelling Units Per Acre
- HDR  16 to 22 Dwelling Units Per Acre
- Remove the LU from the Little Valley SubArea Plan.

## 6.3 Residential Land Uses

The Land Use Plan proposes the following residential density ranges:

| | |
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| Very Low | up to 2 units/acre |
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| Medium | 5~~4.1~~ to 9 units/acre |
| Medium High | 10 to 15 units/acre |
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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

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| Residential Low Density (LD):<br>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 |
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| Residential Medium High Density (MHD):<br>Allows detached, small lot single family and patio homes, multi-family apartments, duplexes, and townhouses. MHD provides density and flexibility for several housing types. Special attention should be given in site design to ensure compatibility with adjacent lower density residential uses. MHD is an appropriate transition/buffer between higher and lower intense land use designations. | 10 to 15 d.u./ac. | Planned Development Residential, Traditional Neighborhood Development |
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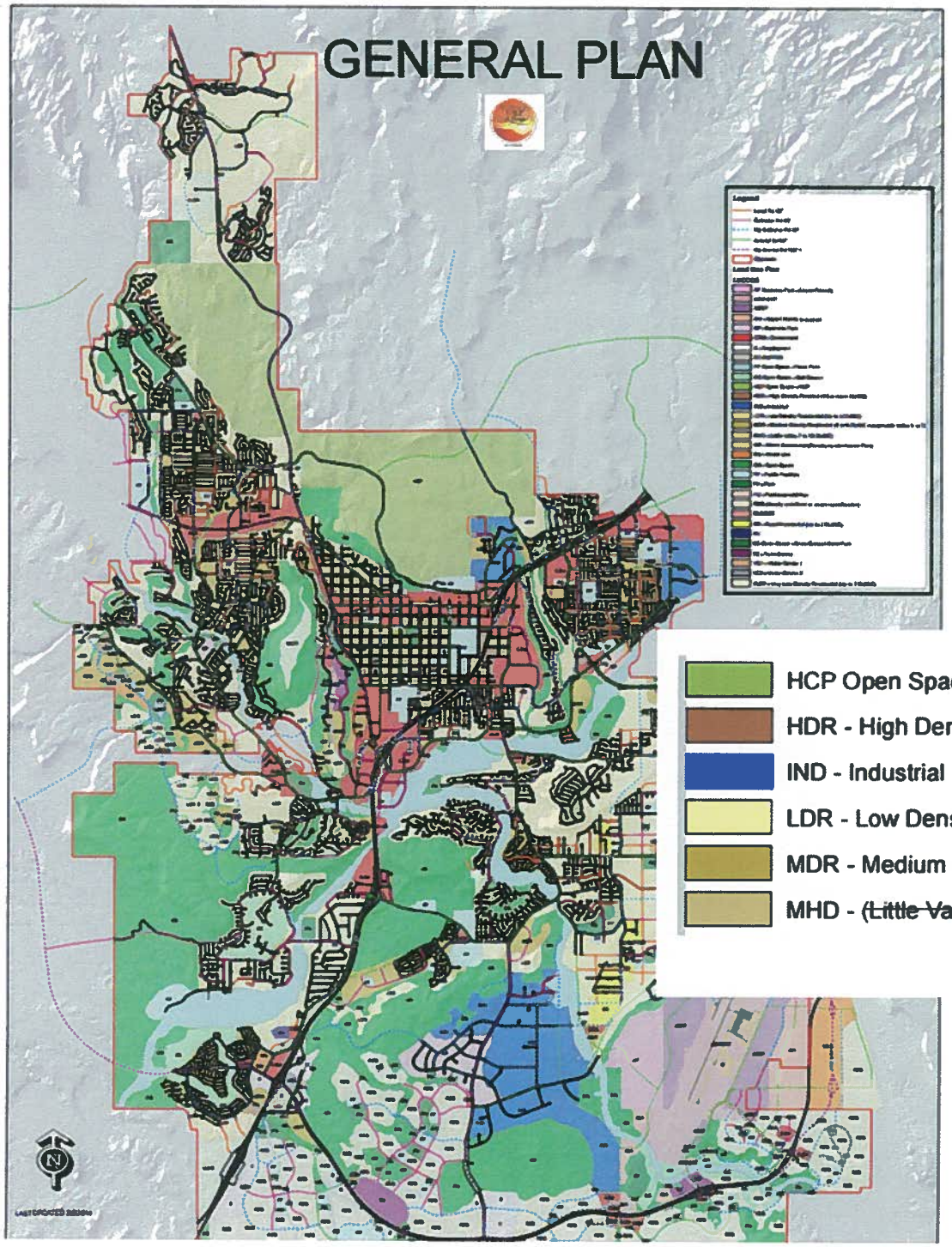


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IND - Industrial

LDR - Low Density Residential (Up to 4 DU/AC)

MDR - Medium Density Residential (5 to 9 DU/AC except Little Valley 4 to 7)

MHD - (~~Little Valley 7 to 10 DU/AC~~) Medium High Density 10 to 14 DU/AC

# Little Valley SubArea MP

• ~~Medium High Density is proposed to range from 7.1 to 10 units per acre. As mentioned above, these areas will cluster around commercial sites, schools, churches and parks. The average will be about 7 units per acre. After factoring in the amount of land needed for roads and alleyways, the net lot size will range from approximately 4,000 to 3,000 square feet. Medium High Density will also include town homes, which helps to provide affordable housing and workforce housing.~~
• Commercial is intended to be mixed use with a density range of 4 to 7 units per acre (over and above retail uses )

These categories are summarized and related to existing zoning categories in the table below.

| Land Use Category | Low | | High | | Comparable Zoning |
|---|---|---|---|---|---|
| | Units per gross acre | Net lot size | Units per gross acre | Net lot size | |
| ~~Medium / High~~ | ~~7.1~~ | ~~4,000~~ | ~~10~~ | ~~3,585~~ | ~~TND or PD Residential~~ |
| Medium Density | 4.1 | 8,273 | 7 | 4,500 | TND, PD Residential, R-1-6, |
| Residential (Low Density) | 1.1 | 29,333 | 4.0 | 8,491 | TND, PD Residential, R-1-8, R-1- 10, R-1-12, R-1-20, |
| Estate / Equestrian/ Agriculture | 0.2 | 40,000 | 1.0 | 16,133 | A-1, RE-20, RE-37.5 |
| Commercial | 4.0 | Not Applicable | 7.0 | Not Applicable | C1, C2, C3, or PD Commercial |

Note that the Sub-area Plan indicates several Town Centers that include a mix of uses and are generally surrounded by higher densities. All areas designated for residential uses are understood to include a mix of densities and even small, convenience-oriented commercial (scaled to the service area) as well as churches, parks and squares. Density for all residential areas may *average* within the ranges shown in t he table above.

5.3 Implications of the Plan

The densities indicated in the Little Valley Plan (study area) would result in the following.

| Supply | *Acres* | Range Low | High | Estimate |
|---|---|---|---|---|
| Dwelling Units (du's) | | | | |
| Residential | 1881 | 1,849 | 6,724 | 5,043 |
| Medium Density | 418 | 1,714 | 2926 | 2,090 |
| ~~Medium High Density~~ | ~~181~~ | ~~1,292~~ | ~~1,820~~ | ~~1,456~~ |
| Town center mixed use 66 | | 264 | 462 | 330 |
| Total | 2,347 | 5,119 | 11,952 | 8,919 |

# Density Examples

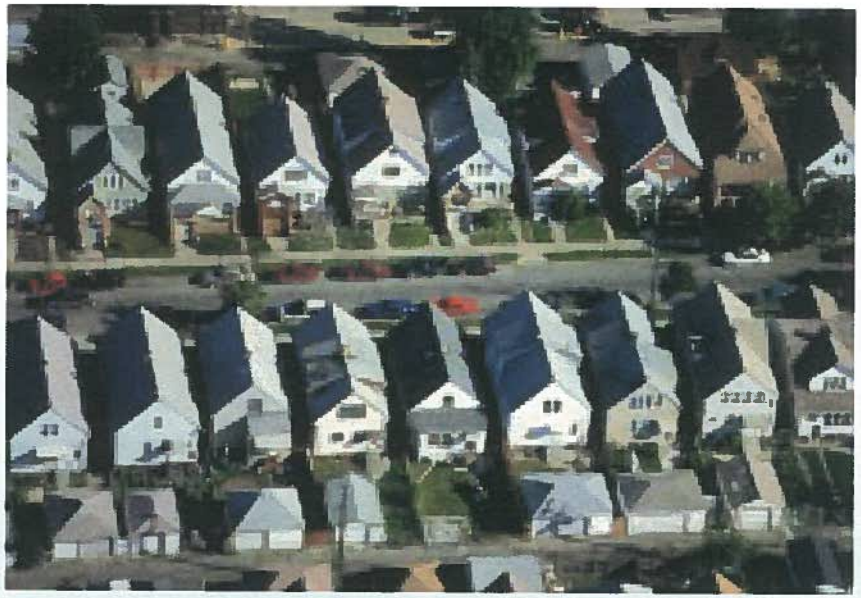
Sandusky, OH 10.2 units / acre

Lake Oswego, OR 10.0 units / acre

Hermosa Beach, CA 10.0 units / acre

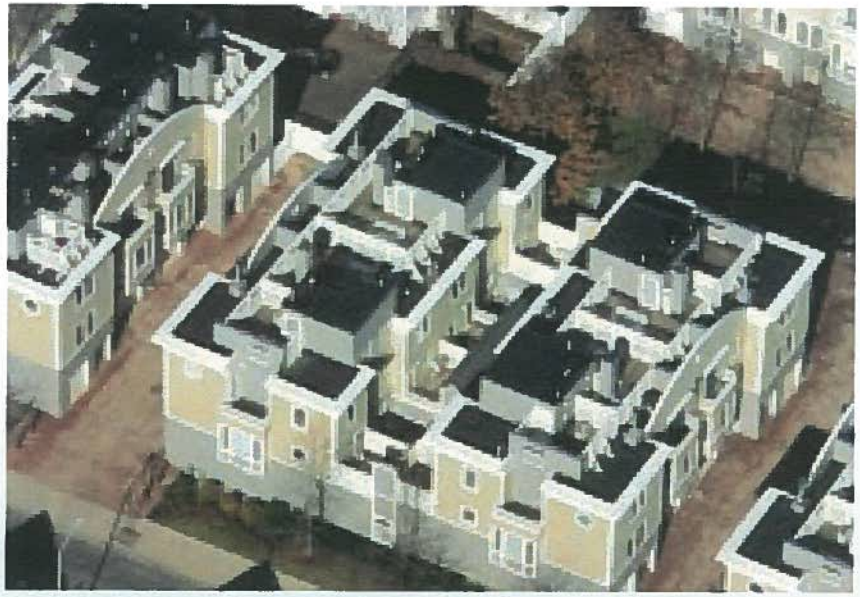
Sacramento, CA 10.7 units / acre

Mtn. View, CA 11.0 units / acre



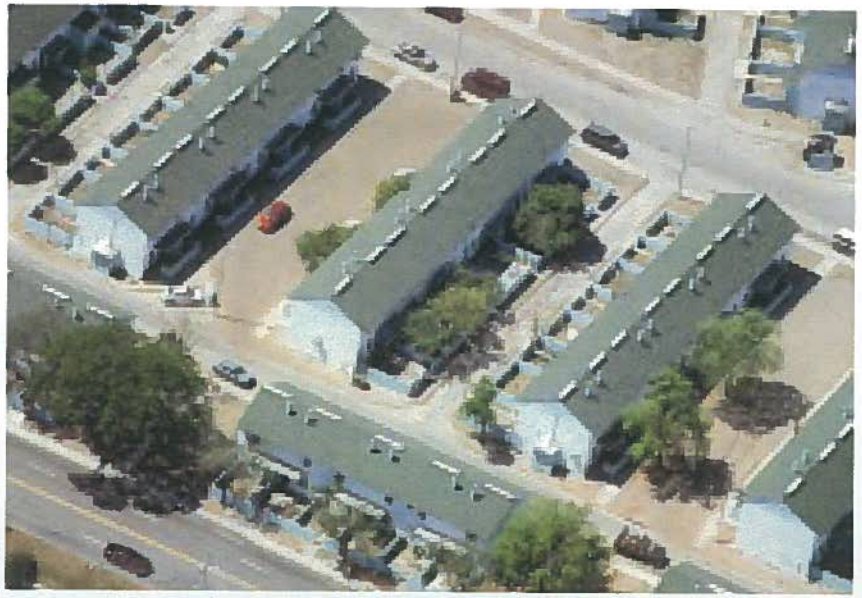
Hamtramck, MI 11.2 units / acre

Kansas City, KS 11.1 units / acre



Cambridge, MA 12.6 units / acre

Detroit, MI 13.7 units / acre

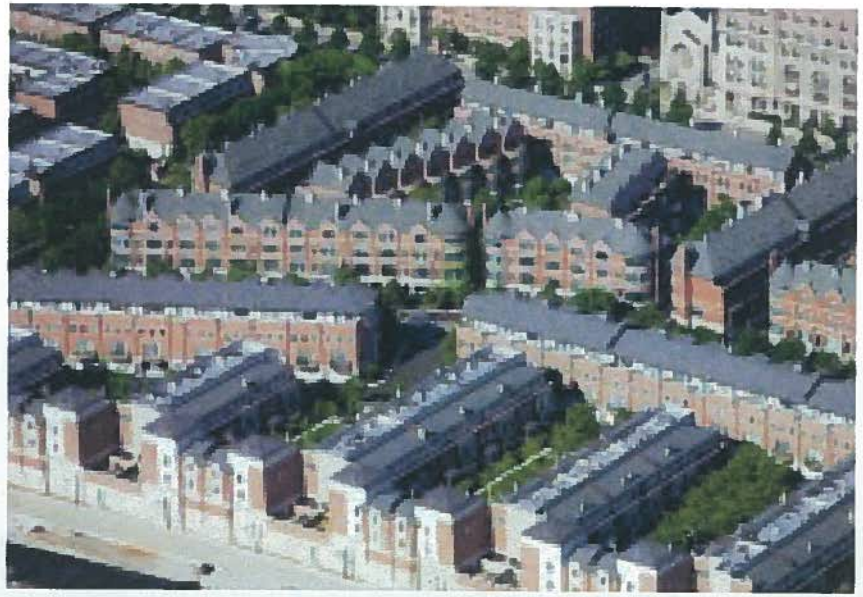


Tampa, FL 15.6 units / acre

Denver, CO 15.5 units / acre

Baltimore, MD 15.0 units / acre

Mtn. View, CA 16.3 units / acre



Chicago, IL 18.0 units / acre

Salt Lake City, UT 20.6 units / acre

Boise, ID 22.3 units / acre

DRAFT

Agenda Item Number : 3G

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-05-26 15:07:54 |
| **Applicant** | City of St. George |
| **Quick Title** | Public Hearing and Ord for Amendment of Off Premises Signs |
| **Subject** | Consider a code regulation amendment to amend sections pertaining to off premises signs in Title 9 Buildings and Construction, Chapter 13 Signs and Displays. |
| **Discussion** | Currently, the sign code regarding conversion of static off-premises signs to electronic message signs does not address several potential issues. The changing of digital faces may have an impact on residential. Therefore, a distance requirement is being proposed, in order to mitigate those impacts. Additionally, several other items are being proposed to address the conversion to digital. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Addresses electronic signs and their proximity to residential zones. |
| **Action Taken** | tabled to Aug 6th |
| **Requested by** | John Willis |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

# SIGNS AND DISPLAYS
# OFF PREMISES SIGNS

CITY COUNCIL AGENDA REPORT: **06/04/2015**
CITY COUNCIL AGENDA REPORT: **08/06/2015**

AMENDMENT TO TITLE 9, CHAPTER 13: SIGNS AND DISPLAYS; **PUBLIC HEARING**
Case No. 2015-ZRA-005

**Request:** Proposed amendment to Title 9 - Buildings and Construction, Chapter 13: Signs and Displays

**Applicant:** City of St George

**Background:** Currently, the sign code regarding conversion of static off-premises signs to electronic message signs does not address several potential issues. For instance, it does not specifically address distance requirements from the electronic message sign and residential. The changing of digital faces may have an impact on residential. Therefore, a distance requirement is being proposed, in order to mitigate those impacts. Further, the amendment addresses color of off-premises sign structure and requires colors to be approved by City Council. Staff has provided potential colors for Council consideration. Additionally, several other clean up items are being proposed to address the conversion to digital.

**Previous Action:** On December 4, 2014, the City Council approved a temporary ordinance prohibiting new off-premises signs or conversion of static off-premise signs to electronic message signs. On June 4th, 2015 City Council tabled an amendment, in order for staff to received input from several billboard companies.

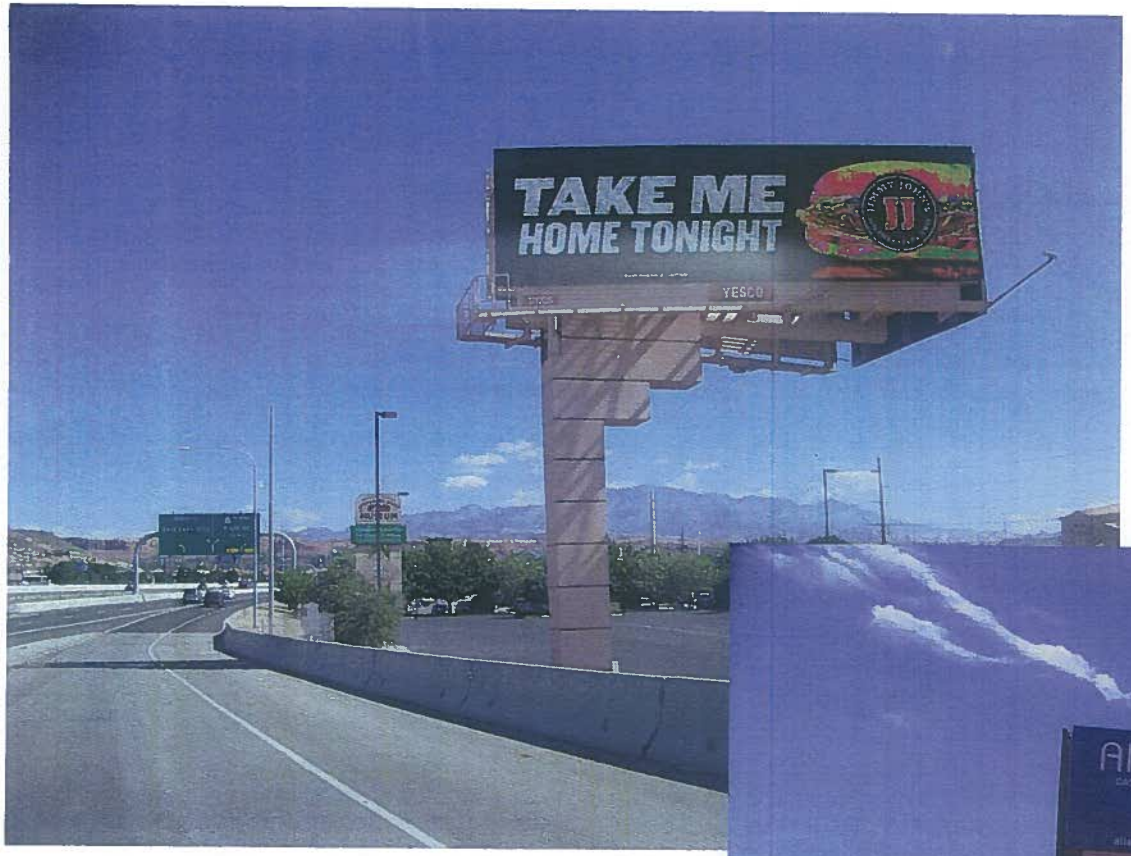
**Proposed Amendment:**
(New wording is underlined)

**Request:**

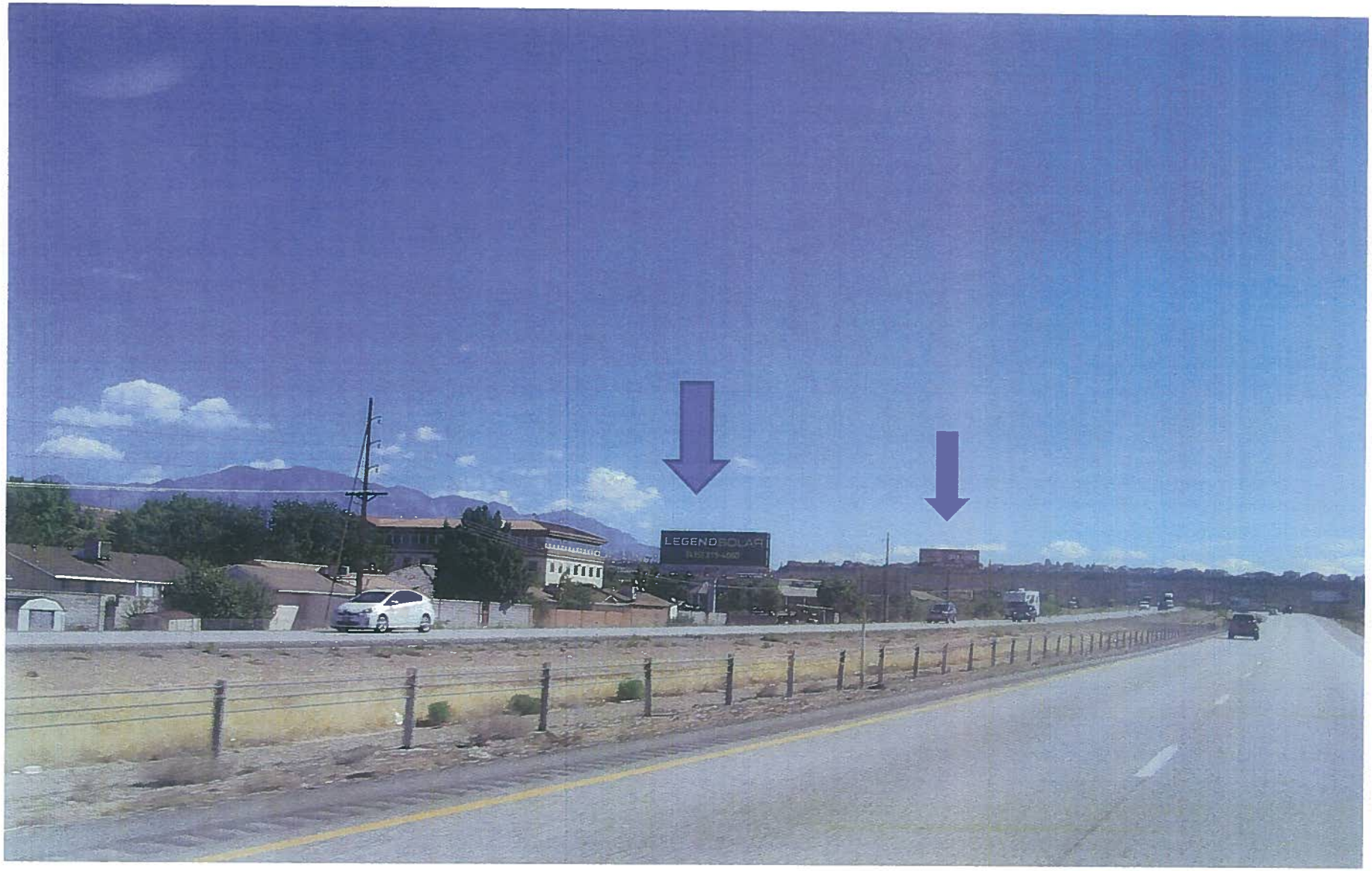
**Proposed amendment to Title 9 - Buildings and Construction, Chapter 13: Signs and Displays.**

**Currently, the sign code regarding conversion of static off-premises signs to electronic message signs does not address several potential issues.**

# Potential Structure Color Options


TAKE ME
HOME TONIGHT
YESCO

Aliante
OFF THE STRIP.
ON THE MONEY.
HOTEL
YESCO


LEGEND

We Make It Simple!
4 Wisdom Teeth
INCLUDING SEDATION
$899!
General Dentist
Simply Wisdom Teeth
435-652-1243
Reagan

# Potential Colors

| | | | | | | |
|---|---|---|---|---|---|---|
| Pantone 462 | Pantone 463 | Pantone 464 | Pantone 465 | Pantone 466 | Pantone 467 | Pantone 468 |

Pantone 469

Pantone 476

Pantone 477

## ORDINANCE NO. _____

### AN ORDINANCE AMENDING TITLE 9 CHAPTER 13

**WHEREAS**, the City Council is desirous of making changes to the regulations dealing with off-premises signs in Chapter 13 Signs and Displays; and

**WHEREAS**, the City Council has considered the proposed amendments in public hearings; and

**WHEREAS,** the City Council has determined that changes to the ordinances are justified at this time and are in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** Title 9, chapter 13 is enacted to read as set forth in Exhibit 'A' attached.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 6th day of August, 2015

_____
Jonathan Pike, Mayor

ATTEST:

_____
Christina Fernandez, City Recorder

# EXHIBIT "A"

(New wording is underlined)
Chapter 13

SIGNS AND DISPLAYS

9-13-1: PURPOSE AND INTERPRETATION:
9-13-2: DEFINITIONS:
9-13-3: APPLICATION OF REGULATIONS AND ENFORCEMENT:
9-13-4: SPECIFIC REGULATIONS FOR ZONES:
9-13-5: DESIGN STANDARDS FOR COMMERCIAL SIGNS:
9-13-6: DOWNTOWN HISTORIC DISTRICT:
9-13-7: GENERAL REGULATIONS:
9-13-8: MAINTENANCE OF LEGAL NONCONFORMING SIGNS:
9-13-9: NONCONFORMING SIGNS:
9-13-10: PROHIBITED SIGNS:
9-13-11: VARIANCES AND APPEALS; SIGN REVIEW BOARD:
9-13-12: SAFETY AND NONLIABILITY OF CITY:
9-13-13: PENALTY:

## 9-13-1: PURPOSE AND INTERPRETATION:

A. It is determined to be in the best interest of the health, safety and welfare of the citizens of the city to regulate advertising in order to eliminate potential hazards to motorists and pedestrians; encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy; encourage sign legibility through the elimination of excessive and confusing sign displays, thus reducing driver inattention; preserve and improve the appearance of the city as a place in which to live and to work and create an attraction to nonresidents to come to visit or trade; allow each individual business to clearly identify itself and the goods and services which they offer; safeguard and enhance property values; protect public and private investment in buildings and open space; and supplement other regulations of the city.

B. In interpreting and applying the provisions of this chapter, the sign requirements contained herein are declared to be the maximum allowable for the purpose set forth. Where this chapter imposes a greater restriction upon signs and the location thereof, or requires or imposes conditions other than those required or imposed by laws, ordinances or restrictions, the provisions of this chapter shall control. (Ord. 2005-12-003, 12-1-2005)

## 9-13-2: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ALTERATIONS: As applied to a sign, means change or rearrangement in the structural part of its design, ~~whether by~~ <u>a conversion from a non-electric display to an electronic message sign,</u> extending on a side, increasing in area<u>,</u> ~~or~~ <u>width or</u> height, or ~~in~~ moving from one location or position to another.

AWNING: A roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows and other openings with supports extending back to the building, supported entirely by the building.

BUILDING, FRONT LINE OF: The line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches, whether enclosed or unenclosed, but does not include uncovered steps less than four feet (4') above grade and eaves overhanging less than two feet (2').

BUILDING LINE: A vertical surface intersecting the ground along a line at which the front of the building occupies the lot on which it is constructed.

CODE ENFORCEMENT OFFICER: The appropriate officers employed by the city are authorized to enforce this chapter, but the city council of St. George, by resolution or ordinance, may from time to time entrust such administration, in whole or in part, to any other officer of city government without amendment to this chapter.

ELECTRONIC MESSAGE SIGN ("EMS"): Any sign, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights, including light emitting diodes (LEDs), fiber optics, plasma displays, light bulbs, or other illumination devices within the display area where the message is displayed. EMS includes computer programmable, microprocessor controlled electronic or digital displays.

ELECTRONIC MESSAGE SIGN VIEW AREA: The view area for any EMS shall be measured as follows: beginning from the outside edge of the sign face measure three hundred feet (300') to each side, then measure at a ninety (90) degree angle three hundred feet (300') in the direction that the sign is facing, and ninety (90) degree angle until the two sides intersect.

FACE OF SIGN: The entire area of a sign upon, against or through which any copy, electronic images, graphics or pictures, with or without textual information is placed.

LOT, CORNER: A lot abutting on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

MARQUEE: A sign designed and constructed for the purpose of changing the message regularly by movable letters or electric means.

MONUMENT SIGN: A sign whose base is approximately seventy five percent (75%) of the width of the sign and is permanently set on the ground and has an opaque pedestal as part of the sign foundation which conceals any pole support. Upon approval of the community development director, and where pole supports are not visible, the opaque pedestal may be omitted. (See exhibit B attached to ordinance 2005-12-003.)

NONCONFORMING SIGN OR SIGN STRUCTURE: A sign or sign structure or portion thereof lawfully existing at the time this chapter or amendment thereto, became effective, which does not conform to all height, area and yard regulations prescribed in the zone in which it is located, or other regulations of this chapter.

POINT OF THE BEGINNING OR ENDING OF PAVEMENT WIDENING: Ending of pavement widening is that point when the pavement of an interstate highway acceleration or entrance lane fully narrows to the normal width of the main travel lanes. Beginning of pavement widening is that point when the pavement of an interstate highway deceleration or exit lane begins to widen from the normal width of the main travel lanes.

RESIDENTIAL DEVELOPMENT: A project developed by the owner by subdividing the land and building residential homes that has been approved by the city through the plat process and the subdivision recorded with the county recorder's office. All phases of the project shall be considered one residential development. A residential development does not include lots sold by the developer to someone else to build the home. The term is to apply to the project as a whole and not to specific individual lots or residences. Multi-family unit developments which have been approved by the city but may not require the recording of a plat are also considered residential developments.

SIGN: Means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, object, device, medium, conveyance or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. The definition of "sign" shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers. This does not include any flag, badge or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

SIGN, A-FRAME: A temporary and/or movable sign constructed with two (2) sides attached at the top so as to allow the sign to stand in an upright position.

SIGN, ANIMATED: A sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights, time, temperature and electronic type message center.

SIGN AREA: The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back to back or double faced sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty five degrees (45°). In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

SIGN, ELECTRONIC DISPLAY SCREEN: Any sign or portion of a sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

SIGN, ELECTRONIC MESSAGE CENTER: Any sign or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed.

SIGN, FOR SALE: A temporary sign placed on a lot offering that specific property for sale, lease or rent, and limited to twelve (12) square feet in sign area. The on premises sign may advertise a model home or open house.

SIGN, FREESTANDING: A sign supported by a fixed permanent frame or support in the ground.

SIGN, ILLUMINATED: A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

SIGN, LIGHTED: A sign made legible in the absence of daylight by devices which reflect or project light upon it.

SIGN, LOW PROFILE: On premises or identification signs having a maximum height of six feet (6'), incorporated into some form of landscape design scheme or planter box.

SIGN, OFF PREMISES: An advertising sign which directs attention to a use, product, commodity or service not related to the premises.

SIGN, PROJECTING: A sign attached to a building or other structure and extending in whole or in part more than twenty four inches (24") beyond any wall of the building or structure.

SIGN, PROPERTY: A sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.

SIGN, ROOF: A sign erected partly or wholly on or over the roof of a building, including ground supported signs that rest on or overlap a roof twelve inches (12") or more. (Ord. 2011-11-002, 11-17-2011)

9-13-3: APPLICATION OF REGULATIONS AND ENFORCEMENT:

A. Compliance Required: Except as provided in this chapter, no sign shall be erected, raised, moved, extended, enlarged or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the zone in which it is located.

B. Construction Standards: All signs hereinafter erected in the city shall comply with current standards of the national electrical code, all provisions of this chapter and other applicable ordinances of the city. All component parts shall be equal to Underwriters Laboratories labeled products.

C. Enforcement: The code enforcement officer shall be vested with the duty of enforcing the zoning ordinance and in performance of such duty, he shall be empowered and directed to:

1. Issue Permits: Issue permits to construct, alter or repair signs which conform to the provisions of this chapter.

2. Determine Conformance: Ascertain that all signs, construction and all reconstruction or modification of existing signs are built or constructed in conformance to the zoning ordinances and building restrictions and building code with reference thereto.

3. Issue Citations And Complaints: Issue citations and/or complaints against violators of this chapter.

D. Inspections: The code enforcement officer shall make an initial inspection upon the completion of construction, erection, reerection or remodeling of any sign for which a permit has been issued and an inspection request is made.

E. Sign Classification: Every sign erected or proposed to be erected within the city shall be classified by the code enforcement officer in accordance with the definitions of signs contained in section 9-13-2 of this chapter. Any sign which does not clearly fall within one of the classifications shall be designated to the classification that it most nearly approximates in the opinion of the code enforcement officer in view of its design, location and purpose.

F. Legal Action: The code enforcement officer shall be empowered to institute appropriate action or proceedings in any case where any sign is erected, constructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any city ordinance, including, but not limited to, the zoning ordinance, to accomplish the following purpose: 1) to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; and 2) to restrain, correct or abate such violation.

1. Issue Notice Of Violation: The code enforcement officer will cause a notice of violation to be issued to the person having charge or control or benefit of any sign found by him to be unsafe or dangerous or in violation of the zoning ordinances of the city.

2. Abate And Remove Unsafe Or Dangerous Sign: If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the person having charge, control or benefit of any such sign, shall pay to the city within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.

3. Abate And Remove Illegal Sign: If an illegal sign is not made conforming within thirty (30) calendar days after giving said notice, the code enforcement officer shall have the right to at once abate and remove said sign, and the owner or person having charge, control or benefit of any such sign, shall pay to the city within thirty (30) calendar days after written notice is mailed to such person, the costs incurred in such removal.

4. Immediate Removal Authorized: In the case of an unsafe or illegal sign that is either an immediate hazard or whose primary purpose will have been served, at least in part, before the expiration of the notice period required herein, the code enforcement officer may effect an immediate removal without notice, subject to a subsequent right of hearing by the person receiving benefits therefrom.

5. Notice Of Nonmaintained Abandoned Sign: The code enforcement officer shall require each nonmaintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefits of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control or person receiving benefit of such structure.

6. Notification: Notification by the city to persons having charge or control or benefit of any sign found by the code enforcement officer to be unsafe or dangerous or in violation of the zoning ordinance of the city and where the city is contemplating removal of said sign, shall be accomplished by the city utilizing written notice sent according to the administrative code enforcement ordinance.

7. Penalty As Alternative: The code enforcement officer shall have discretionary right to enforce removal or alteration of an unsafe or illegal sign by applying the penalty as provided by section 9-13-13 of this chapter as an alternative to the abatement procedures as provided.

G. Right Of Appeal; Sign Review Board: Any person who has been ordered by the code enforcement officer to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the sign review board by serving a written notice to the city within ten (10) days of the order of the code enforcement officer. Such notice shall be considered by the sign review board at its next regularly scheduled meeting. Upon filing of said notice of appeal, the code enforcement officer shall take no further action with regard to the removal of the sign involved until the final decision of the sign review board on the appeal is known, unless the code enforcement officer finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public, or comes within the provisions of subsection F4 of this section, in which case he shall proceed immediately as provided in this chapter.

H. Plats: All applications for sign permits shall be accompanied by a plat consisting of a plat plan and elevation drawing. The plat shall be in duplicate on a minimum eight and one-half inch by eleven inch (81/2" x 11") paper. The plat information shall be drawn and dimensioned with sufficient information so that the code enforcement officer can determine whether the proposed sign will conform with the provisions of this chapter.

1. Plot Plan Requirements: Specifically, the plat shall show the size of the sign and its location relationship to the following features of the site:

a. Property lines;

b. Existing and proposed buildings or other structures;

c. Control curbs;

d. Parking areas.

2. Elevation Drawing Requirements: Specifically, the elevation drawing shall show the following information:

a. Type of sign;

b. Sign display;

c. Sign height;

d. Sign area.

I. Sign Permit Required: It shall be unlawful for any person, whether acting as owner, occupant or contractor, or otherwise, to erect, construct, reconstruct, enlarge, locate or alter any sign within the city without first obtaining a sign permit from the city unless exempted from this requirement in this chapter.

J. Fee Schedule: A fee as established by the city council shall be paid to the city for each sign permit issued under this chapter. The fee will cover the cost of issuance, including the inspection tag. (Ord. 2008-06-001, 6-5-2008)

**9-13-4: SPECIFIC REGULATIONS FOR ZONES:**

No person shall install or maintain any sign in the city in the following zones as described in title 10, chapter 4 of this code, except as herein provided. Signs not allowed in the following subsections are specifically prohibited:

A. Residential Zones: The following provisions regulate signs in residential zones:

1. Low Profile Signs: Two (2) permanent low profile identification signs which state the official name of the residential development will be allowed in residential zoning districts for residential developments; provided, that these signs conform to the following regulations:

a. Shall be located at the entrance of the residential development and be a minimum of ten feet (10') from front property lines.

b. Shall be incorporated into a landscape design scheme or planter box.

c. Shall be limited to a maximum of four feet (4') in height from finished grade.

d. Shall be limited to sixteen (16) square feet in area for each sign.

e. Shall be limited to only two (2) signs per subdivision.

f. Shall contain no animation.

g. May be illuminated but the source of illumination shall not be visible.

h. The community development director, or his/her designee, may approve signs attached to an entry wall or similar feature, which vary from provisions of subsections A1a through A1d of this section.

2. Promotional Signs For Residential Developments: Promotional signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public as provided in this subsection A2. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.

a. Signs shall not exceed twelve feet (12') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street curb, shall not project into or be installed on any public right of way and shall not be located within required intersection clear view zones as set forth in subsection 10-18-3B of the zoning

regulations. The signs permitted hereunder shall be temporary and shall be removed when all original lots have been sold.

b. Residential developments with less than ten (10) dwelling units may have up to two (2) signs offering the project for sale or inspection by the public and the total cumulative sign area for both signs shall not exceed forty eight (48) square feet. Any one sign may not exceed thirty two (32) square feet in area.

c. Residential developments with more than ten (10) dwelling units may have up to three (3) signs offering the property for sale or inspection by the public and the total cumulative sign area for all signs shall not exceed one hundred twenty eight (128) square feet. Maximum sign area shall be calculated at forty eight (48) square feet for the first ten (10) units and an additional two (2) square feet of sign area per unit over ten (10) units. Any one sign may not exceed sixty four (64) square feet in area.

d. One flat wall or fence sign (banner) per residential development may also be used provided they do not exceed the square footage criteria and quantity described in this subsection. Flat wall signs shall not exceed forty (40) square feet (4' x 10') and must be attached flush against the wall to which they are attached.

e. One sign permitted in subsection A2b of this section may be placed on other land belonging to the same owner, providing such other land is directly contiguous to the subdivision or planned development being advertised, and both properties involved are approved phases of the same overall development. Any sign permitted by subsection A2b of this section may be illuminated or may be lighted if the source of lighting is not visible. Animated illumination or lighting shall not be employed.

f. Action flags are permitted subject to the following provisions:

(1) Action flags are permitted in new developments only. Once all original lots have been sold the flags must be removed immediately.

(2) Action flags shall not exceed twenty feet (20') in overall height.

(3) Action flags shall not exceed fifteen (15) square feet in size.

(4) Four (4) flags may be placed along the street at each project automobile entrance and two (2) flags at the sales office or model homes.

(5) Action flags may be printed with the project or company name and logo.

(6) Action flags shall be kept in good condition and must be replaced when worn or tattered.

3. Property Signs; For Sale, Lease, Or Rent: One temporary on premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign, and includes advertising for a model home or an open house at the premises.

4. Property Signs; New Construction:

a. No more than one on site sign offering the premises for sale, lease or inspection by the public shall be permitted. Sale signs may also be modified to indicate that the property has been sold; provided, that the total for any one sign does not exceed six (6) square feet per face. Such sign may be double faced.

b. A project construction sign or "built by" or "marketed by" property sign with an aggregate total of up to twenty four (24) square feet may be allowed. Such sign may be double faced.

5. Nameplates: One lighted or unlighted nameplate identifying the name of the occupant of the premises not to exceed a maximum area of two (2) square feet.

6. Planned Developments: For planned developments containing more than two hundred (200) dwelling units, the planning commission may approve an overall sign scheme for the development which provides for larger or more numerous signs than would otherwise be permitted under this chapter.

7. Landmark Sites, Approved Conditional Uses: Landmark sites and approved conditional uses in a residential zone may have one attached or freestanding sign of up to twenty four (24) square feet in size with a height limit of six feet (6') and located entirely on private property.

B. Commercial And Industrial Zones: The following provisions regulate signs in commercial and industrial zones C-1, C-2, C-3, C-4, M-1, M-2, A-P and PD commercial:

1. Freestanding Signs: Freestanding signs are permitted subject to the following provisions:

a. Number: Each parcel of property or commercial complex may have one freestanding sign. One additional freestanding sign is permitted if the property or complex has more than three hundred feet (300') of frontage on a dedicated public street. Where two (2) or more freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). The second pole sign shall not be higher than seventy percent (70%) of the allowed height of the first sign. A third freestanding sign is allowed for properties with more than six hundred feet (600') of frontage on a dedicated street. The fourth freestanding sign, or additional freestanding signs, must be approved by the sign review board.

b. Location: Freestanding and projecting signs shall not project into or over any public street right of way, except that within the downtown historic district (excluding St. George Boulevard) projecting signs may project a maximum of four feet (4') from the building provided such projecting sign has a minimum ground clearance of ten feet (10') over any sidewalk or street right of way. Also, awning signs within the downtown historic district may project over the street right of way provided there is a minimum ground clearance of eight feet (8'). (Ord. 2008-06-001, 6-5-2008)

c. Height: Freestanding signs shall not exceed the following heights:

(1) Signs located within one thousand five hundred feet (1,500') of a freeway exit, excluding exit 4, and located on a designated major commercial street, shall not exceed fifty feet (50') in height.

(2) Signs located on the following designated major commercial streets shall not exceed thirty feet (30') in height.

The following are determined to be major commercial streets:

Bluff Street to 1250 North

Convention Center Drive

Highland Drive

Hilton Drive to Santa Clara River Bridge

I-15 within 1,500 feet of an I-15 exit or entrance where property is contiguous to I-15 right of way

Red Cliffs Drive

Red Hills Parkway (Highland) 800 East to Washington Interchange

River Road south to 700 South

Riverside Drive (I-15 east to 400 East)

St. George Boulevard

Sunland Drive west of 400 East

Sunset Boulevard

100 South, east of I-15 to 1470 East

400 East between I-15 and Sunland Drive

850 North between 2720 East and 3050 East

1470 East between 100 South and 200 South

2720 East between Red Cliffs Drive and 850 North

When a street has seventy percent (70%) or more of its frontage zoned for commercial use, the city council shall consider designating such street as a "major commercial street". (Ord. 2010-05-002, 5-6-2010)

(3) The height of signs located on all other streets not designated major commercial as noted above, shall not exceed ten feet (10') from the adjacent natural grade, except that signs adjacent to buildings greater than eighteen feet (18') in height shall not

exceed fifteen feet (15') in height. Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb.

(4) Where two (2) or more pole type signs are allowed, subsequent signs shall not exceed seventy percent (70%) of the allowed height of the main sign.

(5) In the downtown historic district, pole signs shall not exceed twenty feet (20') in height.

(6) Height shall be measured from nearest curb grade adjacent to the support pole.

d. Size: The area of freestanding signs shall not exceed the following:

(1) Single tenant freestanding signs on major commercial streets noted in subsection B1c(2) of this section shall not exceed seventy five (75) square feet or one square foot of sign area per linear foot of street frontage up to one hundred twenty (120) square feet maximum per sign face.

(2) Multi-tenant signs may have one and one-half (11/2) square feet of sign area per linear foot of street frontage up to two hundred (200) square feet maximum. A single multi-tenant sign may be allowed up to three hundred (300) square feet if the following occurs:

(A) The sign permit is approved subject to a condition which precludes the installation of another freestanding sign, and

(B) The sign area does not exceed one and one-half (11/2) square feet per linear foot of street frontage.

(3) Signs within one thousand five hundred feet (1,500') of a freeway exit, excluding exit 4, may have two (2) square feet of sign area per linear foot of street frontage, up to three hundred (300) square feet maximum.

(4) On corner lots, the street frontage used to determine size of the primary sign shall be limited to the street upon which the building fronts. Measurement of the street frontage shall include the actual frontage measured to the midpoint of the corner radius. A secondary sign may be allowed on the side street, and its size shall be based on the frontage of the side street.

e. Animated Signs: Animated signs shall be permitted in commercial zones only. However, no animated sign shall be allowed on property adjacent to a residential zone. Further, animation shall not include sign rotation or movement. Animation shall be limited to electronic message centers or electronic display screens. Flashing or blinking signs are prohibited.

f. Entrance And Exit Signs: One entrance and exit sign shall be permitted at each driveway entering or leaving the premises. Such signs shall not exceed six (6) square feet in area nor be more than four feet (4') in height from the ground.

2. Wall Signs: Wall signs which are permanently attached or painted with a projection of less than twenty four inches (24"), shall be permitted; provided, that the area of any such sign shall not exceed twenty percent (20%) of the face of the front wall to which it is attached, nor more than ten percent (10%) of the face of a side or rear wall; and further provided, that it does not rise above the roofline or parapet wall.

3. Property And Project Construction Signs:

a. No more than two (2) signs offering the premises for sale, lease or inspection by the public shall be permitted; provided, that the total area of each sign does not exceed thirty two (32) square feet. Said signs may be modified to indicate that the property has been sold.

b. A project construction sign or "coming soon" promotional sign of up to sixty four (64) square feet may be allowed within sixty (60) days of obtaining a building permit for such project. Such sign shall be removed within one year from the date the sign was erected. (Ord. 2008-06-001, 6-5-2008)

4. Off Premises Signs: Off premises signs shall not be permitted, except under the following conditions:

a. Off premises signs shall be permitted along the interstate highway within the city limits upon property zoned ~~for~~ commercial or ~~industrial~~ manufacturing ~~use~~ and lying within a corridor extending five hundred feet (500') on each side of the centerline of said interstate highway.

b. No off premises sign shall be located on an interstate highway or freeway within five hundred feet (500') of an interchange, or intersection at grade, or rest area (measured along the interstate highway or freeway from the off premises sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way). No off premises sign shall be higher than fifty feet (50') above freeway grade or more than seventy feet (70') above adjacent ground level.

c. No off premises sign structure shall be located closer than one thousand five hundred feet (1,500') to another off premises sign structure, except that within two thousand feet (2,000') of an interchange, signs may be five hundred feet (500') apart.

d. Off premises signs must be at least ~~two~~ three hundred feet (~~2~~300') away from a residential zone.

e. The support structure must be painted one of the following City Council approved Pantone earth-tone colors that blends into the natural environment: [list the colors]

Existing off premises signs not painted in accordance with this provision by January 01, 2020 will be considered nonconforming.

~~E~~ f. An off premises EMS ~~changeable copy billboard display~~ is permitted subject to compliance with UDOT standards, federal standards, and the following standards:

(1) Messages displayed on off-premises EMS shall have a minimum display duration of eight (8) seconds and must be static during each individual message. No portion of the message may flash, scroll, twirl, bounce, pulse, twinkle, animate, change color, fade in or fade out, or imitate movement. The transition from one static display to another must be instantaneous on the entire sign face. Off premises EMS must have a default mechanism to turn off the sign within twenty-four (24) hours of a malfunction which makes it noncompliant ~~Duration: Any portion of the message that uses intermittently changing displays or LED lights shall have a minimum duration of eight (8) seconds.~~

~~(2) Animation: No video animation or motion is permitted.~~

(2~~3~~) Audio: Audio speakers shall be prohibited.

(4~~3~~) Brightness: ~~Between dusk and dawn the display or LED lights~~ Each EMS shall be limited in brightness to a maximum lighting level of 0.3 foot-candles over ambient light levels as measured using a foot-candle meter at the distance based on the formula of the square root of the area of the sign face times 100 (√area of sign face x 100). The illuminance of an EMS shall be measured with an illumination meter set to measure foot-candles accurate to at least two decimals. Illumination shall be measured with the EMS off, and again with the EMS displaying a white image. All measurements shall be taken perpendicular to the face of the EMS at a distance determined by the total square footage of the EMS face as set forth in the formula above. ~~two hundred feet (200') distance from the sign~~. Each ~~lighted display~~ EMS must have a redundant system for controlling sign brightness, including an automatic light sensing device that ~~will~~ adjusts the brightness as ambient light conditions change, and a backup system based on sunrise and sunset times. (~~5~~4) Separation: A minimum separation of one thousand five hundred feet (1,500') is required for ~~digital billboards~~ off premises EMS which face the same direction and are located on the same side of I-15. (Ord. 2009-01-001, 1-8-2009)

(5) Off premises EMS must be at least three hundred feet (300') away from any residential zone. An existing off premises sign within three hundred feet (300') of a residential zone, may be converted to an EMS, if the EMS and the residential zone is separated by topography or a geological feature which will permanently visually obstruct the sign from the residential zone or the Electronic Message Sign View Area is not located within the residential zone.

(6) The following certifications are additional standards of approval or continuation of any off premises EMS:

(A) Within ten calendar days after an EMS is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the requirements of this section.

(B) Based on complaints received, or for other reasonable cause, the city may from time to time require the owner or operator of an EMS to provide, within ten working days after receipt of the city's written request, an updated written

certification that the sign has been re-tested and has been repaired or modified, as necessary, to comply with the requirements of this section.

(C) The city may also, without a complaint or cause, verify an EMS compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign's illuminance. If the city reasonably determines that an EMS is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten calendar days after written notice from the city, and shall reimburse all of the city's costs reasonably incurred in connection with such determination.

5. Roof Signs: Roof signs shall conform to the following provisions:

a. Roof signs shall not be higher than the roofline or parapet wall, and shall not be larger than twenty percent (20%) of the wall face of the building.

b. All roof signs shall be installed or erected in such a manner that the support structure or brace is covered and screened from public view to the extent reasonable to do so.

c. Roof signs shall not be animated.

6. Projecting Signs: Projecting signs attached to a building shall comply with the following conditions:

a. Signs projecting over public property may not project more than four feet (4') from a wall of a building, nor project closer than three feet (3') to the back of the curb. A minimum clearance of ten feet (10') above the sidewalk must be maintained.

b. Signs projecting over private property may not project more than six feet (6') from a wall of a building.

c. Signs shall not extend above the roofline.

d. No more than one projecting sign per tenant space and only at the ground level of the building.

e. The maximum sign area for projecting signs shall be one square foot of sign area for each linear foot of building frontage up to a maximum of thirty two (32) square feet per sign face (64 square feet maximum for both sides of a projecting sign).

7. Special Standards: The following special standards for commercial signs shall apply for all signs located on streets not listed in subsection B1c(2) of this section (streets not designated as major commercial streets) and for planned development zones unless a specific sign plan has been approved as part of the PD zone.

a. Freestanding Signs; Design Standards: Freestanding signs are hereby limited to monument and low profile pole type signs with the following design standards:

(1) Height: The maximum height of the sign shall not exceed ten feet (10') from adjacent natural grade, except that signs adjacent to buildings with two (2) or more

stories or greater than eighteen feet (18') in height shall not exceed fifteen feet (15') in height. Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb.

(2) Size: A monument or low profile pole type sign shall be limited in size to seventy five (75) square feet for properties with up to one hundred feet (100') of frontage on a public road. An additional one square foot of sign area may be allowed for each additional two feet (2') of public road frontage up to a maximum size of one hundred twenty (120) square feet per sign.

(3) Location: Signs must be located on private property and not within any public right of way. Signs shall not obstruct visibility at driveway entrance and exits, intersections and other points along the roadway.

(4) Number: Each parcel of property or commercial complex may have one monument or low profile pole type sign. One additional monument or low profile pole type sign is permitted if the property has more than two hundred feet (200') of frontage on a public street. Where two (2) freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). A third monument or low profile pole type sign is allowed for properties with more than four hundred feet (400') of frontage on a dedicated public street, and a fourth monument or low profile pole type sign is permitted for properties with six hundred (600) or more feet of public road frontage.

(5) Sign Materials: Sign materials shall be similar to or compatible with the structure which they identify. Signs shall be constructed predominantly of natural materials such as redwood, ceramic tile, masonry, stucco, stone or materials which simulate the referenced materials. Letters may be illuminated and of a plastic, metal or similar material, including neon. Requests to use alternative materials may be approved by the community development director. Flashing lights, rotating parts or other animation is not permitted. An EMS ~~electronic message center~~ is permitted when part of a larger sign.

(6) Color: Bright "Day-Glo" or fluorescent colors are prohibited. Letters should provide sufficient contrast to be easily legible. Overall color schemes should complement the color scheme of the building. Registered national trademarks are permitted as part of the sign.

b. Minor Variances: In accordance with section 9-13-11 of this chapter, the sign review board is authorized to approve minor variances from the standards set forth above. In addition, the sign height and sign area may exceed the above described limits upon review and approval of the sign review board as a means to accommodate unique circumstances including, but not limited to: a large center with multiple tenants, visibility issues, and traffic speeds, providing only one sign when the size of the frontage would permit a second or third sign, etc. Regardless, the height under no circumstances shall exceed twenty five feet (25'), and the sign area shall not exceed two hundred (200) square

feet. If necessary to maintain the purpose of this chapter, the sign review board may impose other conditions of approval. In considering variance requests, the sign review board may approve minor variations to the standards where aesthetic values are not compromised, and the purpose of this chapter is maintained, as determined by the sign review board.

c. Entrance, Exit Signs; Roof Signs And Projecting Signs: Entrance and exit signs, wall signs, roof signs and projecting signs are permitted subject to provisions contained elsewhere in this chapter.

C. Agricultural And Open Space Zones: The following provisions regulate signs in agricultural, mining and grazing, and open space zones (OS, A-1, A-5, A-10, A-20, and M-G):

1. Property Signs: Property signs; as permitted in a commercial zone.

2. Nameplates: Nameplates; as permitted in a residential zone.

3. Identification Signs: Signs identifying churches, schools, public utilities, buildings and facilities, publicly owned and operated properties, hospitals, homes for the aged, nursing homes, convalescent homes, private clubs, fraternal organizations and roadside stands, subject to the following:

a. Such signs shall not exceed twenty four (24) square feet in area and shall contain no advertising copy. It shall be located on the property to which it pertains and number shall be limited to one.

b. Such sign may be illuminated, but the source of illumination shall not be visible and shall be without animation. It may be freestanding or placed against the wall of a building, but no higher than twelve feet (12') above grade and not above the roofline. When freestanding, it shall be parallel with the street, and it shall not be located in or project into any required yard.

4. Recreational Facilities Signs: Signs identifying golf courses, parks, tennis courts, public riding stables, boarding stables and similar recreational facilities, subject to the following:

a. Such signs shall not exceed twenty four (24) square feet in area and may be illuminated, but the source of illumination shall not be visible and shall not be animated. Such sign shall contain no advertising copy.

b. There shall be one such sign per entrance to said facility, and the sign may be double faced. It must be located on the property to which it pertains. It may be freestanding or placed against the wall of a building, in which event it shall be no higher than twelve feet (12') above grade and not rise above the roofline.

5. Directional Signs, Temporary: Temporary directional signs, not to exceed twelve (12) square feet in area, nonilluminated, containing no advertising copy, and to be removed from the property within ten (10) days after the purpose of the sign is fulfilled.

6. Freestanding Signs, Temporary: Temporary, freestanding signs pertaining to the subdivisions of subsection A2 of this section. (Ord. 2008-06-001, 6-5-2008)

**9-13-5: DESIGN STANDARDS FOR COMMERCIAL SIGNS:**

A. Pole Sign Design Standards: The following design standards are mandatory:

1. Sign Cabinets: Sign cabinets shall be integrated into a uniform sign, rather than added to a pole in an ad hoc manner. The modification or addition of a sign cabinet to an existing pole sign with two (2) or more independent sign cabinets shall be subject to review and approval by the community development director, who may at his/her discretion, refer the permit to the sign review board for approval.

2. Painted Plywood Signs: Plywood signs are not permitted for permanent signs, unless approved by the sign review board. Sandblasted wood signs are permitted provided they are not higher than ten feet (10'), subject to review and approval by the community development director.

3. Cladding: All poles supporting signs shall be cladded as a means to improve the appearance of the sign by:

a. Proportionately increasing that portion of the structure that anchors the sign to the ground, and

b. Providing a material on the support structure that complements the building architecture.

Cladding shall primarily be wood, stucco, brick, or rock, duplicating materials which are used on the main building. Metal products may be used if the metal replicates the appearance of a natural material.

Cladding is not required, if in the opinion of the community development director, the sign contains unique elements that result in a creative flair or defines a product or service with unique design, and the cladding would detract from the creativity of the design.

4. Pole Transition: There shall be a transition between the pole and sign it supports, wherein the cladded pole(s) is widened at the base of the sign to at least fifty percent (50%) of the width of the sign it supports. (See exhibit A attached to the ordinance codified herein.)

A transition is not required, if in the opinion of the community development director, the sign contains design elements which serve a similar purpose and results in an aesthetic sign.

5. Sign Colors: The exterior surface of the sign structure and frame (excluding sign face), shall have colors similar to the adjacent building or have earth tone colors including black, browns and grays.

6. Landscaping: Landscaping shall be provided at the base of the sign at a ratio of ten (10) square feet for every one foot (1') of sign width, with fifty percent (50%) of the landscaped area containing live plant material. The plant materials used shall be expected to mature to

heights of one foot (1') or greater. Where a hardship can be demonstrated, the sign review board may modify or waive this requirement.

7. Flag Lots: Businesses on flag lots (i.e., lots with narrow frontage on a public road compared to overall lot size) may be allowed a pole sign larger than the minimum size of seventy five (75) square feet, provided the sign review board determines that the size of the sign is in harmony with the intent of this chapter and the size is in keeping with the building and lot size.

8. Multiple Freestanding Signs: Where two (2) or more freestanding signs are allowed on a property, the second sign may be erected to the maximum height allowed, notwithstanding subsection 9-13-4B1c of this chapter, provided it is determined by the sign review board that one sign is not adequately visible from adjacent arterial streets.

B. Sign Guidelines: The following guidelines are desired and encouraged, but are not mandatory:

1. Theme And Plan: Where feasible, signs shall be incorporated into a landscape theme and be part of an overall design plan for the property. Aesthetic appeal is a high priority.

2. Height: As a general principle, signs should be no higher than the adjacent building for which it advertises. However, along the I-15 freeway or where pole signs are set back off a public road more than twenty five feet (25'), due to frontage limitations or other design constraints, the sign may be taller than the adjacent building in order to provide better visibility, but shall not be higher than the maximum height limits set forth in this chapter.

3. Freeway Zone: Notwithstanding subsection 9-13-4B1a of this chapter, properties within the one thousand five hundred foot (1,500') freeway zone may be allowed a second freestanding sign even though the property has less than three hundred feet (300') of frontage, provided the sign review board determines a second sign is proper based on overall lot size and need for freeway visibility. (Ord. 2005-12-003, 12-1-2005)

9-13-6: DOWNTOWN HISTORIC DISTRICT:

The city has established special sign regulations for the six (6) block downtown historic district. (The district encompasses generally the area from 100 East to 100 West and from 200 North to 100 South.) The sign regulations for the historic district are contained in section 10-13C-7 of this code. (Ord. 2005-12-003, 12-1-2005)

9-13-7: GENERAL REGULATIONS:

A. Signs Not To Constitute Traffic Hazard: No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop", "drive in", "danger" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic. In general, no sign shall be placed within a triangular area with legs thirty feet (30') in length measured along the property lines at a corner.

B. Awnings Over Public Property: Awnings over public property shall conform to all provisions of the international building code governing such structures. It shall maintain a minimum eight foot (8') clearance above the sidewalk or public property and shall have no signs affixed to the awnings or their supports.

C. Temporary Signs:

1. Any sign, banner, or advertising display intended to be displayed out of doors for promotional or other temporary use, shall be considered to be a temporary sign and shall be permitted subject to all provisions of this chapter and provisions contained in the city temporary banner policy.

2. Banners shall be allowed according to the city policy regarding temporary banners. The banner policy is available through the community development department. It shall be the responsibility of the applicant to remove temporary banners upon expiration of the permit period.

D. Maintenance: Every sign shall be kept in good condition as to maintenance and repair, including the replacement of defective parts, repainting and cleaning. The ground space within a radius of ten feet (10') from the base of any ground sign shall be kept free and clear of all weeds, rubbish and inflammable material. The code enforcement officer shall inspect and enforce this pursuant to subsection 9-13-3F5 of this chapter.

E. Sign Removal: Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued, and shall thereafter be considered to be abandoned.

F. Repair Of Building Facade: A damaged building facade as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days of the time the use was discontinued.

G. Moving To New Location: No sign erected before the adoption of this chapter shall be moved to a new location on the lot or building, or enlarged, or replaced, unless it be made to comply with provisions of this chapter.

H. Ownership: The imprint of the sign owner and sign erector of all signs shall be in plain and public view. Signs not carrying such an imprint will be presumed to be owned by the person in possession of the property on which the sign is located.

I. Lights And Lighted Signs:

1. In any zone, no spotlight, floodlight or lighted sign shall be installed in any way which will permit the rays of such sign light to penetrate beyond the property on which such light or lighted sign is located in such a manner as to constitute a nuisance.

2. Such signs alleged to be a nuisance by the neighboring property owners or tenants shall be subject to a public hearing before the city council as to the validity of the nuisance complaint. If such sign is determined to be a nuisance by the city council, the owner of said sign shall be

required to take the appropriate corrective action as directed by the city council or be subject to prosecution under the city nuisance ordinance1.

J. Planned Development Layout Location Signs: The purpose of the layout sign is to aid emergency personnel and visitors to quickly and efficiently locate a particular unit. For planned developments with a common address for multiple units there shall be a permanent sign located at all entrances to the project which:

1. Identifies the development;

2. Clearly shows the project address;

3. Clearly shows the layout of streets and the units with their individual identification number or letter;

4. The sign must be oriented to the view of the reader;

5. Shall be incorporated into a landscape feature or design scheme;

6. The sign shall contain no animation;

7. The sign may be illuminated, but the source of the illumination shall not be visible; and

8. The sign shall be placed such that persons in vehicles who are stopped to read the sign will not create a safety hazard. (Ord. 2011-11-002, 11-17-2011)

9-13-8: MAINTENANCE OF LEGAL NONCONFORMING SIGNS:

Nonconforming signs shall be required to comply with the requirements of this chapter when any change, other than normal maintenance, is made to the sign. Painting or similar sign repair shall be considered normal maintenance; provided, that the sign content remains basically unchanged. Compliance with current setback requirements may be waived by the sign review board when the board determines that relocating an existing sign is not practical. (Ord. 2005-12-003, 12-1-2005)

9-13-9: NONCONFORMING SIGNS:

A. Alterations: A nonconforming sign shall not be raised, moved, replaced, <u>converted from a non-electronic message sign to an EMS,</u> extended or enlarged unless said sign is changed so as to conform to all provisions of this title. "Alterations" shall also mean the changing of the text of the sign when there is a major change in the use of the property. A major change in use occurs whenever the use changes from one of the following land use categories to another: office, retail, food/restaurant service, personal service, entertainment, lodging, repairs, institutional, public utility, manufacturing, and warehouse uses. Any major change in use requires any affected nonconforming sign to conform to all the provisions of this title. Alterations shall not be interpreted to include changing the text of a marquee <u>or changing a copy of an off premises sign</u>.

B. Restoration: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, collision or any other cause beyond the control of the owner, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.

C. Unsafe Or Dangerous: The nonconforming nature of a sign shall in no way prevent it from being subject to the provisions of subsection 9-13-3F of this chapter, if it is unsafe or dangerous. (Ord. 2005-12-003, 12-1-2005)

9-13-10: PROHIBITED SIGNS:

A. Signs Attached To Public Property: No sign, handbill, poster, advertisement or notice of any kind or sort shall be fastened, placed, posted, painted or attached in any way or upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except signs owned and erected by permission of an authorized public agency as required by law.

B. A-Frame And Movable Freestanding Signs: Portable, temporary A-frame, and movable freestanding signs shall be prohibited. This prohibition applies to signs mounted upon or painted upon vehicles or trailers which are parked primarily for the purpose of calling attention to or advertising a specific business establishment or product.

C. Flashing Signs: Signs which use flashing, blinking, or strobing lights are prohibited. Signs which use subtle lighting changes as part of a video screen, or EMS ~~electronic message center~~ are permitted.

D. Rotating Signs: Signs which move, rotate, flutter in the wind or make noise are prohibited. Pennants, streamers, and inflatable objects are also prohibited. Temporary banners must be in compliance with the city's policy on banners.

E. Permit Exceptions: Notwithstanding any of the provisions of this chapter, the following signs and operations shall not require a sign permit; however, any of the following signs included in any other section shall conform to the applicable provisions of this chapter:

1. The changing of the advertising copy or message on a marquee, provided no more than fifteen percent (15%) of the marquee surface will advertise off premises land, products or businesses.

2. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure unless a substantial structural change is made.

3. For sale, rent or lease signs, advertising real property, that are thirty two (32) square feet or less in area. Such sign may be double faced.

4. The display of official notices used by any court, or public body, or public official, or the posting of notices by any public officer, in the performance of a duty, or by any person giving legal notice.

5. Directional, warning, exit, parking or similar informational signs of a public or quasi-public nature, provided they have no advertising effect, and signs directed and maintained by an official body or public utility.

6. Any official flag, pennant or insignia of any nation, state, city or other political unit.

7. Nameplates of two (2) square foot maximum area.

8. Bulletin boards not over sixty four (64) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.

9. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.

10. Wall signs that are painted directly on the wall, provided they do not exceed twenty percent (20%) of the face of the wall on which it is painted. (Ord. 2011-11-002, 11-17-2011)

9-13-11: VARIANCES AND APPEALS; SIGN REVIEW BOARD:

There is hereby created a five (5) member sign review board which is authorized to review sign permit requests and approve minor variances from the standards set forth herein upon proper evidence by the applicant that a variance is warranted. Members of the sign review board shall be appointed by the mayor with the consent and approval of the city council for staggered three (3) year terms. The mayor shall designate one of their number as chairman, and they shall establish their own rules of procedure and meeting times; the board shall meet as necessary to consider applications for sign permits where a variance from standards set forth herein is requested. Three (3) members of the board shall constitute a quorum for the conduct of business, an affirmative vote of a majority of those members present is required to approve any request. If either the applicant or the city is dissatisfied with the decision of the sign review board, or if challenge is made to the jurisdiction of the board because the item sought to be varied may not be of a "minor" nature, appeal may be had to the city council by filing written request with the city manager within twenty (20) days after a decision is given by the board or after a question of jurisdiction is raised; any decision by the city council shall be a final determination. (Ord. 2005-12-003, 12-1-2005)

9-13-12: SAFETY AND NONLIABILITY OF CITY:

A. Sign Erection Safety Precautions For Streets And Sidewalks: Whenever any sign or other advertising structure is erected in whole or in part on or over any public street or sidewalk, the person or persons performing the work shall, before proceeding to erect the same, take all precautions necessary to ensure the safety of persons and property on such street or sidewalk. Before hoisting any material whatsoever above the surface of any street or sidewalk or placing any material upon the traveled portion of any street or sidewalk, the persons or person performing such work shall exclude the traveling public from the portion of such street or sidewalk in which such work is to be done by means of suitable barriers, protected walkways and warning devices approved by the building inspection department; and whenever the department shall deem it necessary under the conditions then existing, shall provide a guard or guards to exclude all persons not concerned in the work from the portion of the street or sidewalk in which the work is to proceed. When hoisting any sign or advertising structure above the surface of any street or sidewalk, the same shall be accompanied by hoisting devices of approved design and adequate capacity to accomplish the work in accordance with approved engineering practices, all of which hoisting equipment shall be kept and maintained in good and workable condition.

B. City Nonliability: The city, its chief building official and its other agents shall in no way be liable for negligence or failure of the owner, or the person responsible for any damage caused by defective conditions. (Ord. 2005-12-003, 12-1-2005)

9-13-13: PENALTY:

Any violation of the provisions of this chapter shall constitute a class B misdemeanor or lesser offense as determined by the city attorney and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day of violation may be considered to be a separate offense. (Ord. 2005-12-003, 12-1-2005)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See also title 4, chapter 2 of this code for nuisance provisions.

DRAFT

Agenda Item Number : 4A

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-16 17:26:10 |
| **Applicant** | Paula Houston |
| **Quick Title** | Repeal of Ordinance Title 4 Chapter 3 |
| **Subject** | This ordinance would repeal Title 4 Chapter 3 which is a chapter that provided for the city to inspect private property and clean the property if it was not brought into compliance. |
| **Discussion** | This chapter is no longer needed because inspections and the right to clean the property are provided in other parts of the code. This chapter actually conflicts with some of the newer provisions of the code so it needs to be repealed. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | This chapter is no longer necessary because it is covered in other sections of the ordinance. |
| **Action Taken** | |
| **Requested by** | Paula Houston |
| **File Attachments** | Repeal of Inspection and Cleaning.docx |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |
| **Attachments** | Repeal of Inspection and Cleaning.docx |

**ORDINANCE NO. _____**

**AN ORDINANCE REPEALING TITLE 4 CHAPTER 3, INSPECTION AND CLEANING**

**WHEREAS**, the City has determined that Title 4 Chapter 3 is no longer necessary and conflicts with other provisions in the city code; and

**WHEREAS**, the City Council has determined that repealing Chapter 3 of this ordinance is in the best interest of the health, safety, and welfare of the citizens of the City of St. George and are justified at this time.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Title 4 Chapter 3 is repealed. Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

~~**Chapter 3**~~
~~**INSPECTION AND CLEANING**~~

~~**4-3-1: PURPOSE:**~~
~~**4-3-2: ENFORCEMENT OFFICER:**~~
~~**4-3-3: NOTICE; PROOF OF SERVICE:**~~
~~**4-3-4: HEARING:**~~
~~**4-3-5: FAILURE TO COMPLY:**~~

~~**4-3-1: PURPOSE:**~~
~~It is the purpose of this chapter to establish a means whereby this city may remove or abate, or cause the removal or abatement of, injurious and noxious weeds and of garbage, refuse or unsightly or deleterious objects or structures pursuant to the powers granted to it by Utah Code Annotated title 10, chapter 11, as amended, and pursuant to its general power to abate nuisances. It is hereby declared that the above listed weeds, objects and structures shall constitute a nuisance when they create a fire hazard, a source of contamination, or pollution of water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to human habitations or are unsightly or deleterious to their surroundings. (1962 Code § 9-6-1)~~

~~**4-3-2: ENFORCEMENT OFFICER:**~~

~~A. Created: The office of enforcement officer is hereby created for the purpose of administering the provisions of this chapter and the powers delegated to this city by the statutes, subject to such control and review as the city council may from time to time direct. Until such time as the city council may otherwise appoint an enforcement officer by resolution, the building inspector shall perform the functions of enforcement officer.~~

~~B. Assistants: The city council may appoint such assistant enforcement officers and delegate to them such powers and duties as it may from time to time determine by resolution. The powers and duties of the assistants shall be the same as those of the enforcement officer, unless otherwise so specified by resolution. (1962 Code § 9-6-2; amd. 2003 Code)~~

~~C. Powers And Duties:~~

~~1. The enforcement officer is hereby authorized and directed to inspect and examine real property situated within the city for the purpose of determining whether or not it contains injurious or noxious weeds, garbage, refuse or unsightly or deleterious objects or structures, and for the purpose of determining whether or not the existence of the weeds or objects creates a firehazard or constitutes a source of contamination or other danger to health and safety, or otherwise creates nuisances, as above declared.~~

~~2. If the enforcement officer concludes that such conditions exist in whole or in part, he shall:~~

~~a. Ascertain the names of the owners and occupants and description of the premises where such objects and conditions exist.~~

~~b. Serve notice in writing upon the owner and occupant of such land, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses, as disclosed by the records of the county assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the enforcement officer may designate, which shall not be less than ten (10) days from the date of service of such notice.~~

~~c. Inform the owner or occupant, or both, by means of the notice or an attached document, that in the event he disagrees with the determination of the enforcement officer and does not wish to remove the objects or objectionable conditions, he may request in writing a hearing before the city council at a time and place to be set by the city council. A written application for a hearing shall stay the time within which the owner or occupant must conform to the decision of the enforcement officer.~~

~~3. In the event the owner or occupant makes such request for a hearing, the city council shall set the time and place for hearing the objections, and the city recorder shall notify the owner or occupant in writing of the time and place at which he may appear and be heard. The hearing shall not be heard within less than five (5) days from the date of service or mailing of the notice. (1962 Code § 9-6-3; amd. 2003 Code)~~

~~**4-3-3: NOTICE; PROOF OF SERVICE:**~~

~~One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The enforcement officer shall make proof of service of such notice under oath, and file the same in the office of the county treasurer. (1962 Code § 9-6-4)~~

~~**4-3-4: HEARING:**~~

~~A. Procedure: At the written request of an owner or occupant ordered to remove or abate the weeds, objectionable conditions, or objects from his real property, the city council shall conduct an informal hearing (which need not be reported) wherein the owner or occupant may present such evidence and argument as ispertinent to the question of whether or not the removal or abatement of the objects or conditions is~~

~~properly within the purview of this chapter. The city council shall also permit the presentation of evidence and argument by the enforcement officer and other interested parties. Thereafter within not more than ten (10) days, the city council shall, over the signature of the mayor or such other member of the council as it may designate by resolution, render its written decision, a copy of which shall be mailed to or served upon the owner or occupant by the enforcement officer.~~

~~B. Decision:~~

~~1. Upheld: In the event the decision of the city council upholds the determination of the enforcement officer, the notice originally given by the enforcement officer as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objects or conditions and he shall have up to ten (10) days from the date of notice of the decision within which to conform thereto.~~

~~2. Overruled Or Modified: In the event that the decision of the city council either overrules or modifies the determination of the enforcement officer, the written decision of the city council shall apprise him of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the city council within ten (10) days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the enforcement officer.~~

~~3. File Amended Notice, Proof Of Service: The enforcement officer shall file an amended notice and proof of service of the notice and file the same in the office of the county treasurer. (1962 Code § 9-6-5; amd. 2003 Code)~~

~~**4-3-5: FAILURE TO COMPLY:**~~

~~A. Removal By City: If any owner or occupant of lands described in such notice or decision shall fail or neglect to conform to the requirements thereof relating to the eradication or destruction or removal of such weeds, garbage, refuse, objects or structures, the enforcement officer shall employ all necessary assistance to cause such materials to be removed or destroyed at the expense of the city. (1962 Code § 9-6-6; amd. 2003 Code)~~

~~B. Itemized Statement: The enforcement officer shall prepare an itemized statement of all expenses incurred in the removal and destruction of the materials and shall mail a copy thereof to the owner or occupant, or both, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail addressed to the property owner's or occupant's last known address. (1962 Code § 9-6-7; amd. 2003Code)~~

~~C. Failure To Pay: In the event the owner or occupant fails to make payment of the amount set forth in the statement to the city treasurer within the twenty (20) days, the enforcement officer either may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this section. (1962 Code § 9-6-8; amd. 2003 Code)~~

~~D. Collection:~~

~~1. Lawsuit: In the event collection of expenses of destruction and removal are pursued through the courts, the city shall sue for and receive judgment for all of the expenses of destruction and removal, together with reasonable attorney fees, interest and court costs and shall execute upon such judgment in the manner provided by law. (1962 Code § 9-6-9)~~

~~2. Taxes: In the event that the enforcement officer elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same and shall deliver the three (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the costs of the work shall be pursued by the county treasurer in accordance with the provisions of Utah Code Annotated section 10-11-4, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted. (1962 Code § 9-6-10)~~

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this ____ day of _____, 2015.

_____

Jonathan T. Pike, Mayor

ATTEST:

_____

Christina Fernandez, City Recorder

DRAFT

Agenda Item Number : 4B

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-16 17:20:20 |
| **Applicant** | Paula Houston |
| **Quick Title** | Ordinance amending Title 1 Chapter 12A Section 16 |
| **Subject** | This amendments the language regarding inspections of property. |
| **Discussion** | The proposed amendments will clarify the intent of the current language "reasonable manner based upon cause" by changing it to simply say all entries must be in compliance with the Fourth Amendment and state law. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Recommend approval. |
| **Action Taken** | |
| **Requested by** | Paula Houston |
| **File Attachments** | Ord Amending 1-12A-16 redline.docx |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |
| **Attachments** | Ord Amending 1-12A-16 redline.docx |

**ORDINANCE NO. _____**

**AN ORDINANCE AMENDING TITLE 1 CHAPTER 12A SECTION 16, AUTHORITY TO INSPECT**

**WHEREAS,** the City Council has determined that clarifications to the ordinances are in the best interest of the health, safety, and welfare of the citizens of the City of St. George and are justified at this time.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Title Chapter is repealed. Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** Title1 Chapter12A Section 16 is amended to read as follows:

**1-12A-16: AUTHORITY TO INSPECT:**

~~The ACE administrator or~~ As provided in this section, any enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of ~~this~~the city code or ~~applicable~~ state codes are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. This may include the taking of photographs, samples, or other physical evidence. All ~~inspections,~~ entries~~, examinations, and surveys~~ onto private property shall be ~~done~~in ~~a reasonable manner based upon cause~~ compliance with Utah law and the Fourth Amendment of the United States Constitution. ~~If the responsible person refuses to allow the ACE administrator or enforcement official to enter the property, the ACE administrator or enforcement official shall obtain a search warrant.~~

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this ____ day of _____, 2015.

_____

Jonathan T. Pike, Mayor

ATTEST:

_____

Christina Fernandez, City Recorder

DRAFT

Agenda Item Number : 4C

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-29 16:21:19 |
| **Applicant** | |
| **Quick Title** | Consider Approval of Amendments to Title 4 Ch 4 Solid Waste |
| **Subject** | The proposed amendments to Title 4, Chapter 4 of the City Code adopts the recycling waste collection program for the City with a limited-time opt-out provision. The opt-out period ends on October 31, 2015 and the program will begin on or after January 1, 2016. |
| **Discussion** | |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Recycling program necessary amendments to facilitate that program. |
| **Action Taken** | |
| **Requested by** | Shawn Guzman |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. GEORGE, UTAH, AMENDING TITLE 4, CHAPTER 4 OF THE ST. GEORGE CITY CODE INSTITUTING A PROGRAM FOR CURBSIDE COLLECTION OF RESIDENTIAL RECYCLABLE MATERIALS, ESTABLISHING RULES AND REGULATIONS PERTAINING TO SAID PROGRAM AND MAKING TECHNICAL CHANGES

WHEREAS, Washington County Special Service District No. 1 (hereafter "the District") was duly created by resolution of the Washington County Commission for the purpose of developing and implementing a system for the collection and disposal of solid waste generated within the boundaries of the District, including the City of St. George (hereafter "the City"); and

WHEREAS, the District and the City believe that it is both necessary and desirable to institute a program for collection of recyclable materials produced by owners or occupants of residences in order to conserve landfill space, protect the environment, and encourage conservation of resources; and

WHEREAS, the City has given its consent and approval for "Curbside Residential Recycling Collection Agreement" between the District and Dixie Waste Services, Inc., whereby curbside residential recycling collection services shall be made available to any municipality in Washington County that desires such service, including the City, if the participation rate of the participating municipalities in the district is at least 50% on November 1, 2015; and

WHEREAS, the District and the City have entered into a separate "Agreement for Curbside Residential Recycling Collection Services" for implementation of said curbside residential recycling collection program and other related matters within the City; and

WHEREAS the City Council of the City of St. George desires to establish rules, regulations and monthly fees pertaining to said curbside residential recycling collection services; and

WHEREAS the City Council of the City of St. George deems it necessary and desirable for the preservation and protection of the health, safety and welfare of the residents of the City,

NOW THEREFOR BE IT HEREBY ORDAINED by the City Council of the City of St. George, Utah as follows:

**Section 1. Repealer.** Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** Title 4, Chapter 4: SOLID WASTE COLLECTION AND DISPOSAL is hereby amended to read as follows:

**4-4-1: DEFINITIONS:**
**4-4-2: USE OF LANDFILL:**

**4-4-3: COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE**
**~~4-4-4: MANDATORY USE OF AUTOMATED/SEMI-AUTOMATED CONTAINERS; EXCEPTIONS~~**
**4-4-4:COLLECTION AND DISPOSAL OF RESIDENTIAL RECYCLABLE MATERIALS; COMMENCEMENT DATE**
**~~4-4-5: COLLECTION PROCEDURES~~**
**4-4-5: PARTICIPATING RESIDENCES; OPT OUT PROCEDURES**
**~~4-4-6: FEES FOR COLLECTION AND DISPOSAL~~**
**4-4-6:MANDATORY USE OF CONTAINERS; EXCEPTIONS**
**~~4-4-7: COMMERCIAL OR PRIVATE HAULERS~~**
**4-4-7: COLLECTION PROCEDURES**
**4-4-8: FEES FOR COLLECTION AND DISPOSAL**
**4-4-9: COMMERCIAL OR PRIVATE HAULERS**

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**4-4-1: DEFINITIONS:**

For purposes of this chapter, the following terms shall have the following meanings:

AUTOMATED PICK UP: A method or system, including all necessary vehicles and equipment, of collecting solid waste through the use of containers designed for or compatible with mechanical curbside pick up.

~~BOARD: The administrative control board of Washington County special district no. 1.~~

BI WEEKLY: Every other week.

~~COLLECTION STATION: Dumpsters, roll-off boxes or other similar containers, established by the district for disposal of residential waste in isolated or rural areas where individual curbside collection is unfeasible or impractical.~~

COMMERCIAL: Any premises or property:

A. Used primarily in connection with the supply of goods or services on a regular basis or in the regular course of business;

B. Used for apartment complexes with more than eight (8) dwelling units;

C. Condominium or townhome complexes used primarily, when considered as a whole, for rental purposes as determined by the district;

D. RV parks used primarily for overnight or other rental of less than thirty (30) consecutive days; or

E. Used for motels or hotels.

COMMERCIAL HAULER: Any person or entity who is engaged primarily in the business of collecting and disposing of commercial solid waste generated by any other person or entity.

COMMERCIAL SOLID WASTE: Any solid waste produced by or resulting from the use of commercial property or premises.

CURBSIDE: A location within 3 feet of any curb, sidewalk or other location immediately adjacent to any street, highway or road which is accessible to waste collection vehicles.

DISTRICT: Washington County special service district no. 1.

DUMPSTER: Any container constructed of metal, of two (2) yards' volume or more, and designed to be compatible with mechanical collection equipment.

HAZARDOUS WASTE: Shall have the same meaning as specified in Utah Code Annotated section 19-6-102(10), as amended .~~Any solid waste or combination of solid wastes, other than household waste or special waste, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.~~

OPT OUT PROCEDURES: Procedures pursuant to which a responsible party of a residence may elect to opt out of curbside residential recycling collection services.

PARTICIPATING RESIDENCE: Any residence for which a responsible party has not opted out of curbside residential recycling collection services in accordance with City's opt out procedures as set forth in this chapter.

PRIVATE HAULER:

A. Any person or entity who, as the owner, tenant or other occupant of property or premises classified as commercial, collects and disposes of solid waste generated by the use of said property; and

B. Any person or entity who collects and disposes of construction debris.

~~RESIDENTIAL~~RESIDENCE:

A. Any property or premises containing a building or structure which is used for human habitation, or which is hooked to culinary water and power and intended for human habitation, but excluding:

1. Apartment complexes with more than eight (8) dwelling units;

2. Condominium or townhome complexes used primarily, when considered as a whole, for rental purposes as determined by the district;

2~~3~~. RV parks used primarily for overnight or other temporary rental of less than thirty (30) consecutive days;

3. Condominium or townhome developments approved to utilize dumpsters as a means of solid waste collection as of October 27, 1999 as set forth in 4-4-6 of this chapter;

4. Dwelling units in residential developments which, because of limited access, receive weekly collection of residential waste using dumpsters instead of residential solid waste or residential recycling containers; and

~~5~~4. Motels or hotels.

~~B~~. Each unit of a building or structure on property or premises classified as residential shall be considered as a separate residence for purpose of billing and collection.

RESIDENTIAL RECYCLING CONTAINER: A waste receptacle specifically approved by the district for the automated curbside collection of residential recycling materials.

RESIDENTIAL RECYCLABLE MATERIALS: Those materials identified by the district as recyclable but specifically excluding glass, plastic bags, used oil, paint, hazardous waste, bulky waste, special waste and stable matter.

RESIDENTIAL SOLID WASTE: Any solid waste produced by or resulting from the use of any residential property or premises, except for hazardous waste and construction/demolition waste.

RESIDENTIAL~~SEMI-AUTOMATED/AUTOMATED~~ SOLID WASTE CONTAINER: A waste receptacle specifically approved by the district for the automated curbside collection of residential solid waste~~designed for or compatible with automated pick up, having a capacity of sixty (60) or ninety four (94) gallons, of rotomold design and constructed of Phillips Marlex C1-100 cross linked high density polyethylene, or equivalent materials approved by the district, and equipped with a tightfitting permanently attached lid and wheels for easy movement~~.

RESPONSIBLE PARTY: A utility customer that has, as of October 31, 2015, an existing residential application for utility services on file with the city and a utility account in their name or the name of their spouse.

SOLID WASTE: Shall have the same meaning as specified in Utah Code Annotated section 19-6-502~~(7)~~(10), as amended.

UTILITY CUSTOMER: Those customers who receive residential water and/or power services from the city.

**4-4-2: USE OF LANDFILL:**

All solid waste generated within the incorporated areas of the city, except for hazardous waste, lead acid batteries, used oil, and solid waste accepted by the city reuse center, shall be transported to and disposed of at the Washington County landfill.

**4-4-3: COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE:**

Collection and disposal of all residential solid waste within the corporate limits of the city shall be provided exclusively by the~~Washington County special service~~ district ~~no. 1~~, except for residential solid waste hauled to the landfill or city reuse center by the owner or occupant of the residential property.

**4-4-4: COLLECTION AND DISPOSAL OF RESIDENTIAL RECYCLABLE MATERIALS; COMMENCEMENT DATE:**

The city hereby establishes a curbside residential recycling collection program. Collection and disposal of all residential recyclable materials within the corporate limits of the city shall be provided exclusively by the district, except for residential recyclable materials hauled to the landfill or the city reuse center by the owner or occupant of

a residence. The curbside collection of recyclable materials program shall commence on or after January 1, 2016 provided that the participation rate of the participating municipalities in the district as of November 1, 2015 is 50% or higher.

**4-4-5: PARTICPATING RESIDENCES; OPT OUT PROCEDURES:**

A. All residences are participating residences in the curbside residential recycling collection program unless a responsible party has opted out in accordance with the requirements of this chapter.

B. A utility customer of a residence which has utility services as of October 31, 2015 may elect to opt out of the curbside residential recycling collection program, provided that said election:

1. is in an acceptable electronic form as provided by the city;

2. identifies the utility account number and street address of the residence to which the election shall apply;

3. is submitted by at least one responsible party on the account; and

4. is received by the city prior to November 1, 2015.

C. The election made by a responsible party to opt out of the curbside residential recycling collection program pursuant to paragraph B above shall continue in effect for so long as the responsible party resides in the city or until:

1. a responsible party on the account requests in writing that the election to opt out of curbside residential recycling collection service be cancelled or rescinded; or

2. the responsible party no longer resides in the city and is no longer a utility customer of the city; or

3. the opt out procedures are amended to eliminate the opt-out provisions of this chapter by the city council; or

4. the curbside residential recycling collection program is terminated by the city council.

D. Notwithstanding the provisions of paragraph A above, after receipt of a written request by a responsible party to the city recorder, the city council shall have authority to appoint a three person review board, comprised of one employee from the finance department, one employee from the public works department, and one employee at large. The board shall have authority to take evidence, either at a hearing or in writing, and to grant a variance to the opt out provisions of this chapter based on a showing of undue hardship or other extraordinary circumstances.

**~~4-4-64~~: MANDATORY USE OF ~~AUTOMATED/SEMI-AUTOMATED~~ CONTAINERS; EXCEPTIONS:**

Each ~~residential unit~~residence within the incorporated areas of the city shall be required to utilize ~~an automated/semi-automated~~ residential solid waste container and, if the owner has not opted out of the curbside residential recycling collection program in accordance with this chapter, a residential recycling container~~which has been approved and delivered to the property by the district~~, except that collection of residential solid waste may be accomplished by use of dumpsters in:

A. Condominium or townhome developments already utilizing dumpsters as a means of solid waste collection as of October 27, 1999; and

B. Condominium or townhome developments utilizing individual automated or semi-automated containers as a means of collection of solid waste as of October 27, 1999, where use of individual automated or semi-automated containers is determined by the district to be impractical or unfeasible; and

C. Condominium or townhome developments established after October 27, 1999, where use of dumpsters as a means of solid waste collection has been preapproved by the district and the city.

**~~4-4-75~~: COLLECTION PROCEDURES:**

All residential solid waste and residential recyclable materials shall be required to be placed for collection in accordance with the terms and conditions of the district~~Washington County special service district no. 1~~. Collection for residential solid waste shall be on a weekly basis and collection for residential recyclable materials shall be on a bi-weekly basis.

**~~4-4-86~~: FEES FOR COLLECTION AND DISPOSAL:**

A. Fees Established: Fees for collection of residential solid waste and residential recyclable materials shall be established by resolution or ordinance of the ~~St. George~~ city council.

B. Monthly Billing; Discontinuance Of Service: Billing for residential solid waste and residential recyclable materials collection and disposal service~~ to residential units in the incorporated areas of the city shall be done on a monthly basis and~~ shall be included in any monthly unified billing for utility~~other~~ services supplied by the city~~, including water, power, sewer, etc. A system of unified billing shall be utilized whereby charges for electric, water, sewer and solid waste collection and disposal services are combined and billed on a monthly basis. If any person shall fail or refuse~~ Failure to pay or have paid the charges for solid waste and recyclable materials collection and disposal services or other utility services supplied by the city on the unified billing, ~~the city~~ may result in the discontinuance of the provision of utility services, including the collection and disposal of residential solid waste and recyclable materials ~~shall shut off either water or electric service, or both,~~ to the premises. Discontinuance of a service or services shall be in addition to any other remedy available to the city.

**~~4-4-97~~: COMMERCIAL OR PRIVATE HAULERS:**

No private or commercial hauler shall be allowed to collect or dispose of commercial solid waste generated by commercial establishments or through the use of other commercial property within the incorporated areas of the city

without having first obtained a license to operate as a private or commercial hauler from the ~~Washington County special service~~ district ~~no. 1 a license to operate as a private or commercial hauler~~.

BE IT FURTHER ORDAINED that this Ordinance shall take ~~effect 30 days after~~upon publication and posting as required by law.

PASSED AND APPROVED this ____ day of _____, 2015.

CITY OF ST. GEORGE, UTAH:

_____

JONATHAN T. PIKE, Mayor

ATTEST:

CHRISTINA FERNANDEZ, City Recorder

A roll call vote was taken with the following results:

| NAME | VOTE |
| --- | --- |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

_____

Recorder/Clerk

DRAFT

Agenda Item Number : 5A

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-29 18:41:39 |
| **Applicant** | |
| **Quick Title** | Resolution Approving Agreement With WCSSD#!1, City and Dixie Was |
| **Subject** | Consider Approval of a Resolution Approving an Agreement Between the Washington County Special Services District #1 and the City and Between the Washington County Special Services District #1 and Dixie Waste Services, Inc. for Curbside Residential Recycling Collection. |
| **Discussion** | |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Recommend approval. |
| **Action Taken** | |
| **Requested by** | Shawn Guzman |
| **File Attachments** | MUNICIPAL RESOLUTION APPROVING CURBSIDE RESIDENTIAL RECYCLING AGREEMENT CITY OF SG.docx |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |
| **Attachments** | MUNICIPAL RESOLUTION APPROVING CURBSIDE RESIDENTIAL RECYCLING AGREEMENT CITY OF SG.docx |

Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. GEORGE, UTAH, APPROVING A PROPOSED AGREEMENT BETWEEN WASHINGTON COUNTY SPECIAL SERVICE DISTRICT NO. 1 AND DIXIE WASTE SERVICES, INC., AND AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN WASHINGTON COUNTY SPECIAL SERVICES DISTRICT NO. 1 AND THE CITY OF ST. GEORGE, UTAH

WHEREAS Washington County Special Service District No. 1 (hereafter referred to as "the District") was created by resolution of the Washington County Commission for the purpose of establishing and implementing a program for collection and disposal of solid waste in Washington County, Utah; and

WHEREAS the District and the City of St. George (hereinafter referred to as "the City") believe that it is necessary and desirable for the preservation of the health, safety and welfare of the residents of the City to institute a program for county-wide collection of recyclable materials produced by households or other use of residential property in order to conserve landfill space, protect the environment, and encourage conservation of resources; and

WHEREAS the District desires to obtain the consent and approval of the City to enter into a Curbside Residential Recycling Collection Agreement with Dixie Waste Services, Inc., whereby curbside collection of recyclable materials produced by households or other residential property will be provided to all participating municipalities and residences throughout Washington County; and

WHEREAS the District and City desire to enter into a separate written agreement for implementation of said curbside residential recycling collection service within the City and for other related matters stated therein; and

NOW, THEREFORE BE IT HEREBY RESOLVED:

1. That the City of hereby gives its consent to and approval for Curbside Residential Recycling Collection Agreement between Washington County Special Service District No. 1 and Dixie Waste Services, Inc., a copy of which is attached hereto as Exhibit A.

2. That the Agreement for Curbside Residential Recycling Collection Services between the District and the City, a copy of which is attached hereto as Exhibit B, is hereby approved and authorization given to the Mayor and City Recorder to execute said agreement on behalf of the City.

DATED THIS _____ day of _____, 2015.

_____

JONATHAN T. PIKE, Mayor

ATTEST:

_____

CHRISTINA FERNANDEZ, City Recorder

# AGREEMENT
# FOR
# CURBSIDE RESIDENTIAL RECYCLING COLLECTION SERVICES

This Agreement for Curbside Residential Recycling Collection Services is made and entered into on this _____ day of_____, 2015, by and between Washington County Special Service District No. 1, a special service district organized under the laws of the State of Utah (hereinafter referred to as "District"), and the City of St. George, Utah, a municipal corporation of the State of Utah (hereinafter referred to as "St. George"), collectively referred to as "the parties."

Recitals:

A. District was duly created by resolution of the Washington County Commission for the purpose of establishing and implementing a system for collection and disposal of solid waste within all municipalities and the unincorporated area of Washington County, Utah.

B. District currently provides curbside residential solid waste collection services to St. George and other municipalities within Washington County in accordance with the terms and conditions of "Residential Waste Collection Agreement" dated November 25, 2008 between said District and Allied Waste Transportation, Inc., (now known as Republic Waste Services, Inc.).

C. Said Residential Waste Collection Agreement with Republic Waste Services, Inc. (hereafter "Republic Waste") does not provide for collection of recyclable materials produced by homes or other use of residential property.

D. District believes that instituting a program for the county-wide collection of recyclable materials produced by homes or other use of residential property is necessary and desirable for the conservation of landfill space, as well as for the protection of the environment and conservation of resources.

E. As a result, District proposes to enter into "Curbside Residential Recycling Collection Agreement" with Dixie Waste Services, Inc., (hereafter "Dixie Waste") pursuant to which curbside residential recycling collection services will be made available to all residences within any municipality that desires to participate in and utilize said curbside residential recycling collection services.

F. St. George desires to make available for the use and benefit of its residents the curbside residential recycling collection services described in said proposed agreement between District and Dixie Waste, subject to the terms and conditions contained herein.

G. The parties hereto desire to enter into this Agreement for Curbside Residential Recycling Collection Service, stating in writing the terms and conditions of their agreement with respect to this matter.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and obligations contained herein, the parties hereto acknowledge, covenant and agree as follows:

1. Acknowledgement of Receipt of Agreement. St. George hereby acknowledges receipt of a copy of the proposed Curbside Residential Recycling Collection Agreement between District and Dixie Waste , a copy of which is attached hereto as Exhibit "A" and incorporated herein as if fully set forth.

2. Election to Participate. St. George hereby elects to participate in the curbside residential recycling collection program described in said Exhibit "A" and, further, consents to and agrees to be bound by all terms and conditions contained therein.

3. Provision of Services. District hereby agrees that it shall, through Dixie Waste, provide to all residences or residential units within St. George the curbside residential recycling collection services described in Exhibit "A", subject to the provisions of this agreement.

4. Meaning of Words and Phrases. Unless the context of this agreement requires otherwise, all words and phrases used herein shall have those meanings specified in said Exhibit "A".

5. Mandatory or Opt-Out; Adoption of Ordinance. At the time of execution of this agreement, St. George shall by ordinance:

(a) make a final determination as to whether curbside residential recycling collection service shall be mandatory for all residences or residential units within its corporate limits, or whether residences shall be given a one-time opportunity over a period of sixty (60) days to opt-out of curbside residential recycling collection service described in Exhibit "A", and

(b) approve and adopt reasonable rules, regulations and procedures to implement and enforce such determination.

6. Billing, Collection and Payment of Monthly Fee. St. George shall be responsible for the billing, collection and payment to District of, the applicable monthly fee specified in paragraph 18(f) of Exhibit "A" for:

(a) all residences within the city if mandatory participation in the curbside residential recycling collection program is required, or

(b) all residences within the city that have not opted out of curbside residential recycling collection service in accordance with city's opt-out rules, regulations and procedures.

7. Refund of Overpayment. In the event that a delay between the collection rate billed per residential unit by St. George and the collection rate paid by the District to Dixie

Waste per residential unit as specified in paragraph 18(f) of Exhibit "A", results in a payment by St. George to District in excess of the amount owed by District to Dixie Waste for collection services in St. George, District shall promptly refund to St. George the amount of said excess.

8. Liquidated Damages. In the event that District, on its own motion or at the request of St. George, deducts liquidated damages from any payments due or to become due to Dixie Waste under paragraph 26(a) of Exhibit "A" for minor breaches or violations occurring within St. George, the amount of such deduction shall be paid by District to St. George.

9. Recycling Containers. District shall own and shall be responsible for the purchase, storage, assembly, maintenance, delivery, tracking and retrieval of residential recycling containers to each participating residence or residential unit within St. George.

10. Number of Residences. The parties hereto agree that for purposes of billing, collection and payment by St. George to District of the curbside residential recycling collection fee specified in paragraph 6 above, St. George shall be responsible to submit to District on a monthly basis an accurate house count of all residences subject to said billing and payment of monthly fees for curbside residential recycling collection service. Any discrepancy in the number of such residences, as reported by St. George, and the number of residences within St. George receiving residential collection services from Dixie Waste, shall be promptly investigated by District and reconciled between District and Dixie Waste.

11. Delinquencies. Payment of the monthly residential fee by St. George to District pursuant to paragraph 6 hereof shall be made on a monthly basis and shall be due and payable on the 25th day of the month following the month in which services were rendered. Any amounts not paid by St. George by the 25th day of the month following the month in which services were rendered shall be deemed delinquent and shall bear interest at the rate of five (5) percent per annum until paid in full.

12. Exclusivity of Contract. The parties hereto agree that District shall be the only entity engaged by St. George to provide curbside residential recycling collection services within the city limits throughout the term of this agreement.

13. Binding Effect and Term. This agreement shall become a binding obligation of the parties immediately upon execution by both parties. The term of this agreement shall be for a period of five (5) years, beginning on January 1, 2016 and ending on December 31, 2020.

14. Notice of Breach or Demand for Performance. It is agreed between the parties that no claim will be made for breach of this agreement unless thirty (30) days written notice of the breach, and demand for performance, is sent to the other party. The notice of breach under this paragraph must specify the details of the claimed breach, while the demand for performance must specify the details relative to the demanded performance.

15. Breach; Default. Failure by either party to comply with any covenant, obligation or term contained in this agreement, including the payment of the curbside residential recycling

collection monthly fee as provided in paragraph 6 hereof, for a period of thirty (30) days after receipt of notice of breach and demand for performance from the other party shall be deemed a material and substantial breach of the terms of this agreement and shall constitute a default under the terms hereof.

16. Remedies Upon Default. Upon the occurrence of default by either party, the party not in default shall have the right to: (a) suspend all services to be performed under this agreement until such time that such default is remedied, (b) terminate the agreement by sending thirty days written notice to the party in default of such election to terminate, (c) pursue any other remedy that may be available at law or equity to enforce compliance with the terms of this agreement, (d) require payment of all damages suffered by reason of the other party's default, including costs of court and a reasonable attorney fees, or pursue any combination of remedies listed in (a) through (d) above.

17. Successors and Assigns. This agreement shall inure to the benefit of the successors and assigns of the respective parties.

18. Time Essence. It is understood and agreed by the parties that time is of the essence of this agreement.

19. Integration. It is understood and agreed by the parties that this agreement embodies the whole agreement of the parties, and that all prior negotiations, conditions and oral representations have been incorporated herein.

20. Modification of Agreement. The parties hereto agree that this agreement may not be modified orally, but shall be modified only in writing, signed by the party against whom enforcement of such modification is sought.

21. Effect on Regular Waste Collection. The parties acknowledge and agree that the current agreement between the parties for collection of residential and commercial waste within the corporate limits of St. George pursuant to the Residential Waste Collection Agreement between District and Republic Waste Services shall remain in full force and effect according to its terms and shall not be affected by this agreement.

22. Cancellation of Agreement. Notwithstanding any provision contained herein to the contrary, in the event that the overall residential participation rate, as defined in Exhibit "A", is less than 50% as of November 1, 2015, this agreement shall automatically be cancelled and shall become null and void.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

WASHINGTON COUNTY SPECIAL
SERVICE DISTRICT NO. 1:

_____
Michael Heaton, Chairman

Attest:

_____
Ruth Whitaker, Secretary

CITY OF ST. GEORGE, UTAH

_____
John Pike, Mayor

Attest:
(Seal)

_____
City Recorder

# CURBSIDE RESIDENTIAL RECYCLING COLLECTION AGREEMENT

This CURBSIDE RESIDENTIAL RECYCLING COLLECTION AGREEMENT is made and entered into on this ___ day of _____, 2015, by and between WASHINGTON COUNTY SPECIAL SERVICE DISTRICT NO. 1, a special service district organized under the laws of the State of Utah, hereinafter referred to as "District", and DIXIE WASTE SERVICES, INC., a Utah corporation licensed to do business in the State of Utah, hereinafter referred to as "Dixie Waste."

## RECITALS:

A. District was created and organized by the Washington County Commission for the purpose of providing solid waste collection and disposal services to the inhabitants of Washington County, Utah.

B. District has previously entered into an agreement titled "Residential Waste Collection Agreement" dated November 25, 2008, providing for weekly curbside collection of residential waste for transportation to and disposal at the Washington County Landfill.

C. In order to conserve landfill space and preserve natural resources, District has previously established a limited recycling program, allowing residents to transport recyclable materials to "binnies" at various locations for subsequent transportation to a recycling facility.

D. District now desires to further promote and encourage the recycling of residential waste by entering into an agreement with a qualified contractor to establish and implement a county-wide curbside residential recycling program for residents of participating municipalities who desire to avail themselves of such service.

E. Dixie Waste is a qualified contractor with the practical, technical and financial ability to provide such county-wide curbside residential recycling collection and disposal services.

F. District and Dixie Waste desire to enter into an agreement setting forth the terms and conditions upon which Dixie Waste shall provide curbside residential recycling collection and disposal service to the residents of the various municipalities located within the boundaries of the District, as well as to residents of the unincorporated areas of Washington County.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants, obligations and conditions contained herein, the parties hereto agree as follows:

1. DEFINITIONS. As used in this agreement, the following terms or phrases shall have the following meanings:

(a) bi-weekly: means every other week.

(b) binnie program: refers to the strategic placement of bins (or "binnies") at various locations throughout Washington County for use by residents who desire to drop off recyclable materials without payment of any recycling fee or charge.

(c) curb or curbside: within 3 feet of any curb, sidewalk or other location immediately adjacent to any street, highway or road which is accessible to Dixie Waste's residential waste collection vehicles.

(d) bulky waste: residential waste materials, whether capable of being recycled or not, with lengths, weights or volumes greater than those allowed for automated containers, including but not limited to stoves, air conditioners, refrigerators, dryers, dishwashers, televisions, hot water tanks, washing machines, household furniture, automobiles, motorcycles, boats, construction/demolition waste, and other similar items.

(e) construction/demolition waste: waste from building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such waste may include bricks, concrete, other masonry materials, soil, asphalt, rock, untreated lumber, rebar and trees stumps. It does not include asbestos, contaminated soils or tanks resulting from remediation or clean-up at any release or spill, waste paints, solvents, sealers, adhesives or similar hazardous or potentially hazardous materials.

(f) hazardous waste: any solid waste which meets the definition of "hazardous waste" contained in Rule R315-2-3 of the Utah Administrative Code, in effect as of March 1, 2015, or as may be subsequently be amended.

(g) opt-out: refers to the election of an owner or occupant of a residence or residential unit, made in accordance with the opt-out rules and procedures of the municipality in which the residence or residential unit is located, to not participate in District's residential curbside recycling program and not receive curbside residential recycling collection services under this agreement.

(h) overall residential recycling participation rate: calculated prior to the start of collection services by Dixie Waste and also at the end of each quarter, the percentage of residences or residential units which receive curbside residential recycling collection services as compared to the total number of residences within the boundaries of all municipal entities who are participants in the curbside residential recycling collection program.

(i) participating municipality: any municipal entity which elects to receive curbside residential recycling services under this agreement.

(j) participating residence or residential unit: means (i) any residence or residential unit in any municipality which requires mandatory participation in District's curbside residential recycling collection program, or (ii) any residence or residential unit which has not exercised the option to opt out of or participate in District's residential curbside recycling program in accordance with a municipality's opt out rules and procedures.

(k) recyclable materials: those materials listed in Exhibit "A" attached hereto and by this reference incorporated herein, but specifically excluding glass, plastic bags, used oil, paint, hazardous waste, bulky waste, special waste and stable matter.

(l) residential recycling container: a waste receptacle specifically approved by the District for residential recycling, with a capacity of 90-100 gallons, equipped with a tight- fitting, permanently attached lid and wheels for easy movement, and specifically designed for automated pick up.

(m) residence or residential unit: subject to amendment from time-to-time by resolution of District's Administrative Control Board, "residence" and "residential unit" shall be synonymous and shall mean any property or premises which:

(i) contains a structure which is hooked to culinary water and power and is intended or used for human habitation,
(ii) receives weekly collection of residential waste under the Residential Waste Collection Agreement dated November 25, 2008 using individual 94 gallon automated containers, and
(iii) is billed as a residential unit in accordance with the Residential Waste Collection Agreement dated November 25, 2008.

For purposes of this Curbside Residential Recycling Collection Agreement, a residence or residential unit does not include: (a) units in an apartment complex with more than eight (8) dwelling units, (b) units in condominium or townhome complexes used primarily, when considered as a whole, for rental purposes as determined by the District, (c) dwelling units in residential developments which, because of limited access, receive weekly collection of residential waste using dumpsters instead of individual 94 gallon containers, (d) units in RV Parks used primarily for overnight or other temporary rental of less than 30 consecutive days, and (e) motels and hotels.

Except as may be specified herein, each unit of a structure on property or premises classified as residential shall be considered a separate residence for purpose of billing and collection.

(n) residential waste - garbage, rubbish, trash, bulky waste, and other waste produced by or resulting from the normal activities on or use of residential

property or premises. Residential waste does not include hazardous waste, special waste or stable matter, as defined herein.

(o) Residential Waste Collection Agreement: means the agreement between District and Allied Waste Services, Inc (now known as Republic Waste Services, Inc.) dated November 25, 2008.

(p) special waste: non-hazardous solid waste which is subject to additional governmental regulations or special handling requirements in collection, transportation, processing or disposal as a result of the characteristics of, or processes which generate, such waste. Special Waste includes, but is not limited to:

- (i) waste iron from a commercial or industrial activity;
- (ii) waste generated by an industrial process or a pollution control process;
- (iii) waste which contains free liquids;
- (iv) waste which contains residue and debris from the cleanup of a spill of petroleum, chemical or commercial products or wastes, or contaminated residuals;
- (v) articles from the cleanup of a facility which generates, stores, treats, recycles or disposes of chemical substances;
- (vi) wastes which are nonhazardous as a result of proper treatment pursuant to Subtitle C of a the Resource Conservation and Recovery Act of 1976 ("RCRA");
- (vii) asbestos-containing or asbestos-bearing material that has been properly secured under existing federal, state and local laws, rules and regulations;
- (viii) containers that once contained hazardous substances, chemicals, or insecticides so long as such containers are "empty" as defined by RCRA;
- (ix) sludge wastes from waste water treatment processes, and
- (x) wastes containing any regulated polychlorinated biphenyls.

(q) stable matter: manure and other animal waste matter normally accumulated in or about a stable, barn, pen or corral.

2. Acknowledgement. District and Dixie Waste understand, acknowledge and agree that District cannot, and does not, guarantee the number of residences or residential units which will utilize curbside residential recycling collection services under this agreement because of the following factors:

(a) the curbside residential recycling program established in connection with this agreement is an "opt-out" program which does not mandate utilization of the

curbside residential recycling collection service by all residences in Washington County; and

(b) in addition to the curbside residential recycling collection service described herein, District will continue to provide residents throughout Washington County with the opportunity to recycle through use of the binnie program.

3. Basic Service. In accordance with the terms and conditions contained in this agreement, Dixie Waste shall provide to each participating residence or residential unit bi-weekly curbside collection of recyclable materials placed at or near the curb or curbside in approved recycling containers provided by the District.

4. Placement of Waste. As part of said recycling collection services, Dixie Waste shall be required to pick up all recyclable materials placed before the time and day of collection in residential recycling containers which are within three (3) feet of the curbside, blacktop or other roadway surface, with three (3) feet of clearance on either side of the container from parked cars or other objects, and at other locations readily accessible to Dixie Waste's collection vehicles and personnel, as determined by District.

5. Day and Time of Collection. Curbside residential recycling collection services under this agreement shall be completed between the hours of 7:00 a.m. and 7:00 p.m. on the day of regularly scheduled garbage pickup under the Residential Waste Collection Agreement. Dixie Waste shall inform participating residences or residential units of the approximate time of recycling collection service. Any deviation from the day and time of collection because of unforeseen circumstances (i.e., inclement weather conditions making roads impassable, unreasonably dangerous winds, flooding, road construction, emergency occurrences, etc.) shall be promptly communicated to the District. Any recyclable materials not collected on the regularly scheduled day of collection because of such unforeseen circumstances shall be collected on the next day that collection is possible. All curbside residential recycling collection and disposal services shall be completed in a safe, quiet and efficient manner. Dixie Waste shall comply with all local, state and federal laws, rules and regulations governing vehicular traffic and safety.

6. Collection Routes and Schedules. Dixie Waste shall provide District with maps and schedules of curbside residential recycling collection routes, and keep such information current at all times. In the event of changes in routes or schedules that will alter the time or date of pick up, Dixie Waste shall notify District of such change and provide hand-delivered, mailed or other adequate notice to each affected residence not less than two weeks prior to the change. The parties shall, to the best of their ability, communicate with each other and the various municipalities regarding road closures or detours caused by construction activities in an effort to insure smooth, uninterrupted collection service by Dixie Waste.

7. Collection Vehicles and Equipment. On or before January 1 of each year during the term of this agreement, Dixie Waste shall submit to District a complete description of all vehicles used to provide curbside residential recycling collection service, including the following information: type of vehicle, make, year, mileage, service record, anticipated date of

replacement, and current condition. Dixie Waste shall provide a sufficient number of vehicles and suitable equipment, as determined by District, for the performance of curbside residential recycling collection and disposal services specified herein. Additional or replacement equipment or vehicles shall be purchased or kept available by Dixie Waste for immediate replacement of any equipment or vehicles normally required for collection and disposal functions which are taken out of service for any reason. All vehicles used to provide curbside residential recycling collection services shall, at all times during the term of this agreement:

(a) be curbside collection type units designed for the collection and compaction of residential recyclable materials.

(b) be in excellent mechanical condition, shall be kept in good repair and appearance, and shall be maintained in a clean, sanitary condition.

(c) have clearly visible on each side the name and local telephone number of Dixie Waste.

(d) be capable of lifting automated containers in such a manner so as to prevent spilling or littering during dumping.

(e) be equipped with an operable two-way communication system.

(f) be free from fluid leaks of any kind.

8. Ownership, Maintenance, Repair, Delivery of Recycling Containers. All residential recycling containers used by residents for recycling shall be owned by District, free and clear of any claim of Dixie Waste. District shall be responsible for the purchase, storage, assembly, maintenance, delivery and retrieval of recycling containers to each residence or residential unit. All recycling containers which are damaged or destroyed by Dixie Waste during collection operations shall, at Dixie Waste's expense, be promptly repaired or replaced, as reasonably determined by District. Dixie Waste shall not be responsible to repair or replace any residential recycling container as a result of normal wear and tear, or which is damaged or destroyed through use other than the intended use, or because of loss caused by theft or other unauthorized removal.

9. Monitoring of Recyclable Materials. Dixie Waste shall be responsible to monitor the contents of residential recycling containers during the collection process in order to ensure that only recyclable materials are dumped into Dixie Waste's collection vehicles. In situations where containers are found to contain unacceptable materials, Dixie Waste shall educate the customer as to why the materials are unacceptable by placing a District-approved sticker or tag with an appropriate explanation on the container at the regularly scheduled time of service.

10. Litter. All curbside residential recycling collection services performed by Dixie Waste shall be made in such a manner so as to prevent spillage of waste or littering of the

residential premises or roadways. In the event that spillage or littering occurs during the course of collection, Dixie Waste shall immediately clean up such spillage or litter.

11. Transporting of Waste. All residential recyclable materials collected by Dixie Waste shall be hauled to a District-approved recycling facility permitted for such use and shall meet all applicable local, state, and federal laws, rules and regulations. All recyclable materials transported or hauled by Dixie Waste shall be contained, tied or enclosed in such a manner so that leaking, spilling or blowing are prevented during transportation or hauling. In the event of any leaking, spilling or blowing, Dixie Waste shall immediately clean up the litter.

12. Special and Hazardous Waste. No special waste, hazardous waste or stable matter, as defined herein, shall be collected or transported by Dixie Waste as part of this agreement.

13. Title to Waste. Title to all recyclable materials shall become vested in District upon being placed in Dixie Waste's collection vehicles.

14. Office and Customer Service Log. Dixie Waste shall establish and maintain a local office or such other facility where it can be contacted and where complaints can be made. Said office or facility shall be equipped with sufficient telephones, shall have a responsible person in charge during collection hours, and shall be open during normal business hours. Dixie Waste shall also establish and maintain an after-hours and weekend phone number for use by the public and the District.

15. Public Awareness and Education. District and Dixie Waste shall jointly develop and implement a recycling public awareness program. The program shall include, but shall not be limited to, the following: the printing and distribution of promotional brochures, recycling presentations at local schools, news releases, and on-site promotions/demonstrations at locations throughout the District. The District shall pay all out-of- pocket expenses associated with said program. While the District will have the primary responsibility to disseminate information regarding the recycling program and to promote participation of the residents in recycling, Dixie Waste shall assist District in these activities. This will include occasional participation at promotional activities in schools or with other organizations and at civic events. Dixie Waste will also assist in the preparation and promulgation of promotional materials.

16. Complaints. All complaints from residents or District shall be answered by Dixie Waste in a courteous manner before the end of the next business day after Dixie Waste's receipt thereof. When a complaint is received on the day preceding a holiday or a Saturday, it shall be addressed by Dixie Waste on the next working day. Dixie Waste shall provide District with a monthly written summary of all complaints, showing the date and time when the complaint was received, the name and address of the complainant, the nature of the complaint, the date and time when it was addressed by Dixie Waste and the manner of resolution. Such records shall be available for inspection by District at all times during regular business hours. District shall determine on a case-by-case basis whether a breach, as defined in paragraph 26 of this agreement

has occurred, and, in the event thereof, District may proceed in the manner provided in paragraphs 26 and 27 hereof.

17. Dixie Waste Personnel. With respect to personnel, Dixie Waste hereby agrees that:

(a) Dixie Waste employees shall be citizens or legal residents of the United States, and that Dixie Waste shall fully comply with the Federal Immigration and Nationality Act.

(b) Dixie Waste employees shall wear clean uniforms bearing both the name of Dixie Waste and the employee.

(c) District shall have the right to request the removal of any Dixie Waste employee who violates any provision hereof, or who engages in offensive or outrageous behavior towards the general public during the performance of his employment.

(d) Dixie Waste shall provide adequate operating and safety training for all employees. Dixie Waste's office should be staffed at all times with at least one employee who is trained in first aid. At least one employee of each collection crew shall be trained in first aid and each vehicle shall be equipped with a first aid kit.

(e) Each employee shall receive wages equal to or exceeding the minimum hourly wage established by local, state or federal regulations.

(f) Each employee shall, at all times, carry a valid operator's license for the type of vehicle he/she is driving.

(g) No employee of Dixie Waste shall be deemed to be an employee of District or Washington County.

(h) No person shall be denied employment by Dixie Waste for reasons of race, creed, religion or sex.

18. Determination of Overall Residential Recycling Participation Rate and Rate of Compensation. District and Dixie Waste acknowledge and agree that the rate of compensation to be paid to Dixie Waste for services provided under this agreement shall be based on the overall residential recycling participation rate, as defined herein, which shall be calculated at the start of the program and at the end of each quarter, in accordance with the following:

(a) each municipality within the District shall make an irrevocable determination for the term of this agreement whether it shall be a participant in the curbside residential recycling collection program described herein.

(b) each municipality that elects to participate in the curbside residential recycling collection program shall, by ordinance, specify:

(i) whether curbside residential recycling shall be mandatory for each residence within its municipal limits, or

(ii) rules and regulations pursuant to which residences shall have a period of 60 days in which to opt out of curbside residential recycling.

(c) each participating municipality shall, on or before November 1, 2015, calculate its residential recycling participation rate and report said rate to the District so that the District shall be able to determine the initial overall residential recycling participation rate and the corresponding rate of compensation to be paid to Dixie Waste during the first quarter for which collection services are supplied by Dixie Waste.

(d) at the end of each month during which curbside residential recycling collection services are supplied by Dixie Waste, each participating municipality within the District shall report to District:

(i) the total number of residences or residential units within said municipality for the month just ending, and

(ii) the number of residences or residential units within said municipality which received curbside residential recycling collection service or to which such service was made available during the month just ending, and which are therefore subject to billing for said service.

(e) at the end of each quarter, District shall determine and reconcile with Dixie Waste the average overall residential recycling participation rate for the quarter just ending.

(f) at the start of the program and during any subsequent quarter, the District shall pay Dixie Waste for collection services in accordance with the following scale or schedule:

(i) $2.94 per month for each participating residence if the initial or average overall residential recycling participation rate for the preceding quarter is 70% or higher.

(ii) $3.62 per month for each residence in any municipality which requires mandatory participation if the average overall residential recycling participation rate for the preceding quarter is 50%-70%.

(iii) $3.82 per month for each residence in any municipality which adopts an opt-out program if the average overall residential recycling participation rate for the preceding quarter is 50-70%.

(g) Notwithstanding the provisions of subparagraph (f) above, in the event that the overall residential participation rate reaches a level of 70% or higher, the rate of compensation to be paid to Dixie Waste shall not thereafter be adjusted upwards unless or until such time that the average overall residential recycling participation rate for the preceding quarter drops to a level of 65% or lower.

(h) any objection to the determination of the overall residential recycling participation rate or rate of payment not made in writing within 30 days of the date of such determination or date of payment shall be deemed waived.

19. Billing, Collection, Payment: The parties acknowledge and agree that billing, collection and payment for curbside residential recycling collection services shall be accomplished in accordance with the following:

(a) each municipality within the District shall, on a monthly basis, report to District the number of residences or residential units within said municipality which receive curbside residential recycling collection service during the month and are therefore subject to billing for said service.

(b) District and Dixie Waste shall, on a monthly basis, jointly reconcile the number of residences or residential units which receive curbside residential collection service during the month.

(c) District shall confirm with each municipality the applicable billing rate based on the quarterly overall residential participation rate.

(d) each municipality within the District shall be responsible to bill and collect monthly fees at the billing rate specified in paragraph 18(f) from all residences or residential units receiving curbside residential recycling collection service within said municipality, and shall forward the total amount of said fees to District by the 25th day of the month following the month during which services were rendered.

(e) by the 30th day of the month following the month during which services were rendered, District shall pay Dixie Waste the applicable monthly fee for all residences or residential units receiving curbside residential recycling collection service.

20. Fuel Recovery Fee. In addition to the compensation paid pursuant to paragraphs 18 and 19, District shall pay to Dixie Waste a fuel recovery fee ("FRF") in accordance with the following:

(a) the FRF shall be calculated and paid on a monthly basis.

(b) the FRF shall be based on:

(i) the number of gallons of fuel actually used by Dixie Waste in performing the work specified in paragraphs 3 and 11, and

(ii) the price actually paid by Dixie Waste for such fuel.

(c) the FRF shall apply for any month during which the average cost of fuel actually paid by Dixie Waste exceeds a base price of $4.00 per gallon for any calendar year that this agreement remains in effect.

(d) for any month during which the average cost of fuel paid by Dixie Waste exceeds the base price, as defined in subparagraph (c) above, District shall pay to Dixie Waste an amount equal to eighty percent (80%) of the amount paid by Dixie Waste above said base price.

(e) Dixie Waste shall be required to submit on a monthly basis to District copies of invoices and any other documentation reasonably required by District for the purpose of calculating any FRF.

21. Compensation Adjustment. It is understood and specifically agreed by the parties that the compensation to be paid to Dixie Waste by District pursuant to paragraphs 18 and 20 of this agreement shall remain fixed throughout the term of this agreement at the rates specified therein. Nevertheless, upon written request by Dixie Waste, the rate of compensation shall be reviewed by District, and, in the sole discretion of District, may be adjusted to reflect extraordinary and unforeseeable conditions or circumstances arising after the effective date of this agreement.

22. Binding Effect; Start Up of Services; Term. This agreement shall become binding immediately upon execution by the parties. Unless otherwise agreed in writing by the parties, Dixie Waste shall commence providing the services described herein on January 1, 2016 and shall continue said services until the date of expiration on December 31, 2020, unless sooner terminated as provided herein.

23. Bonding. Within ten (10) days of the date of execution of this agreement, Dixie Waste shall deliver or cause to be delivered to District the following bonding:

(a) A performance bond in the penal sum of $250,000 guaranteeing the faithful performance of this agreement, executed by a surety company licensed to do business in the State of Utah, indemnifying District against loss resulting from any failure of performance by Dixie Waste not exceeding the amount of the performance bond.

(b) A payment bond in the sum of $250,000 executed by a surety company licensed to do business in the State of Utah, guaranteeing payment of wages to all employees of Dixie Waste and the cost of all supplies, materials, and insurance premiums required in fulfilling this agreement.

24. Indemnification. It is understood and agreed that this agreement is not a contract of employment in the sense that the relation of master and servant exists between District and Dixie Waste or between District and any of Dixie Waste's employees. Dixie Waste shall at all times be deemed to be an independent contractor. Dixie Waste is not authorized to bind District to any contract or obligation, and District shall not be liable for any act of Dixie Waste or its employees in connection with the collection and disposal of residential recyclable materials. Dixie Waste agrees to indemnify, save harmless and exempt District and Washington County, their officers, agents, servants and employees, as well as those municipalities which have contracted with District, from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney's fees arising from Dixie Waste's performance or non-performance of the obligations contained in this agreement, including but not limited to intentional or negligent acts or omissions of Dixie Waste, its employees and agents.

25. Insurance. At all times during the term of this agreement, Dixie Waste shall maintain in full force and effect Worker's Compensation, Employee's Liability, Bodily Injury Liability (except automobile), Property Damage Liability (except automobile) and Automobile Bodily Injury Liability insurance. All insurance shall be by insurers acceptable to District, and, before commencement of work hereunder and at least every two (2) years thereafter, Dixie Waste shall furnish District with certificates of insurance, or other evidence satisfactory to District, that such insurance has been procured and is in force at or above the Utah Governmental Immunity Act liability caps then in effect, as set forth in Section 63G-7-604, Utah Code Annotated, 1953, as amended, or its successors. Such certificates shall also contain the following express obligation:

> This is to certify that the policies of insurance described herein have been issued to the insured for which this certificate is executed and are in force at this time. In the event of cancellation or material change in policy affecting the certificate holder, thirty (30) days prior written notice will be given to the certificate holder.

District shall be the certificate holder.

26. Breaches; Remedies; Termination. The parties hereto agree that all terms and conditions of this agreement are considered material, and failure to perform any of said terms and conditions on the part of either party shall be considered a breach or violation. Any breach or violation by Dixie Waste shall be classified as either minor or major, and, in addition to any other remedy that may be allowed by law or equity, shall give rise to the following rights and remedies:

(a) In the event of a minor breach or violation by Dixie Waste, District may deduct as liquidated damages from any payments due or to become due to Dixie Waste the sum of fifty dollars ($50) for each such breach or violation, per residence or per occurrence, for each day that such breach or violation shall continue. For purposes of this paragraph, a minor breach shall include any breach or violation of the provisions of this agreement not specified in subparagraph (b) below.

(b) In the event of a major breach or violation by either party, the party in breach or violation shall be liable to the other party for all damages caused by or resulting from said breach, including all court costs and attorney fees. In addition, in the event of a major breach or violation by Dixie Waste, District shall have the right to terminate this agreement by sending to Dixie Waste thirty (30) days written notice of the election to terminate this agreement. At the expiration of said thirty (30) day period, this agreement shall automatically and without further notice be terminated, and all liability of the District under this agreement to Dixie Waste shall cease, and District shall be free to contract with any other person or entity for the services described in this agreement. Any subsequent agreement entered into by District and any other contractor shall not release Dixie Waste from any liability to District for damages resulting from such breach or violation.

For purposes of this subparagraph (b), a major breach shall include the following:

(i) failure by Dixie Waste to provide curbside recycling collection service in accordance with paragraph 3 to twenty-five or more consecutive residences for a period in excess of five (5) consecutive, scheduled working days, provided that such failure is not due to war, insurrection, riot, act of God, or any other reason caused by an event beyond the reasonable control of Dixie Waste; or

(ii) failure by Dixie Waste more than three (3) times per quarter to provide curbside recycling collection service in accordance with paragraph 3 to more than five (5) but fewer than twenty-five (25) consecutive residences by 10:00 p.m. of the day following the regularly scheduled day for collection; or

(iii) failure by Dixie Waste to deliver recyclable materials to an approved recycling processor in accordance with paragraph 11; or

(iv) failure by Dixie Waste to remedy or correct, within thirty (30) days after receipt of written notice from District, any continuing minor breach or combination of minor breaches which, in the judgment of District, significantly impairs or defeats the purposes of this agreement.

27. Claim for Liquidated Damages; Waiver; Hearing. Any claim by District for liquidated damages under paragraph 29 shall be processed as follows:

(a) Any claim by District for liquidated damages shall be made within forty-five (45) days of the date of occurrence of the event or events giving rise to such claim by sending written notice thereof to Dixie Waste, stating the date, place and nature of the event or events giving rise to such claim and itemizing the amount of damages claimed. Any claim not asserted within forty-five (45) days shall be deemed waived.

(b) In the event that District makes a claim for damages as provided in the immediately preceding subparagraph, Dixie Waste shall be deemed to have consented and acquiesced to a deduction in compensation for the amount of damages thus claimed unless it sends written notice to District within ten (10) days of the date of receipt of the District's claim, stating Dixie Waste's objection to the claim for damages and the reasons therefor, and requesting a hearing before the District's Administrative Control Board.

(c) In the event that Dixie Waste does not send written notice of its objection or request for hearing to District as provided in subparagraph (b) above, District shall be authorized to deduct from Dixie Waste's compensation the amount of damages so claimed.

(d) In the event that Dixie Waste requests a hearing pursuant to subparagraph (b) above, Dixie Waste shall be notified of the date, time and place of said hearing and shall be given an opportunity to appear and be heard. At the conclusion of said hearing, the District Administrative Control Board shall determine the amount of damages, if any, to be deducted from Dixie Waste's compensation.

28. Compliance with Laws. Dixie Waste shall conduct operations under this agreement in compliance with all applicable local, state and federal laws.

29. Sale, Assignment, Subcontract or Other Transfer. Neither this agreement nor any right, duty or liability hereunder shall be sold, assigned, subcontracted, or otherwise transferred or conveyed in any manner whatsoever by Dixie Waste, either in whole or in part, nor shall any right, title or interest herein, either legal or equitable, pass to or vest in any person or entity other than the entities named herein, without the prior written consent of District.

30. Bankruptcy. In the event of a filing by or in behalf of Dixie Waste of a voluntary or involuntary petition for bankruptcy, District shall have the right, at its option, to terminate this agreement.

31. Modification. This agreement constitutes the full and complete understanding and agreement between the parties hereto, and it shall not be considered modified, altered changed, or amended in any respect unless in writing and signed by the parties hereto.

32. Right to Require Performance. The failure of District at any time to require performance by Dixie Waste of any provision hereof shall in no way affect the right of District thereafter to enforce same. Nor shall waiver by District of any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions itself.

33. Illegal Provisions. In the event that any provision of this agreement shall be declared illegal, void or unenforceable, the other provisions shall not be affected and shall remain in full force and effect.

34. Agreement to Control. In the event of any conflict between the Request for Proposals for Recycling Collection Services and this agreement, this agreement shall prevail.

35. Notice. A letter addressed and sent by certified United States mail to either party at its business address shown below shall be sufficient notice whenever required for a purpose in this agreement.

| | |
|---|---|
| Address of District: | 325 North Landfill Road<br>Washington, UT 84780 |
| Address of Dixie Waste: | 605 North 1300 East<br>St. George, Utah 84770 |

36. Court Costs and Attorney's Fees. In the event of a breach of any term or conditions of this agreement, the party in breach shall be liable to the other party for all damages, fees, costs and expenses incurred as a result of said breach, including all costs of court and a reasonable attorney's fee incurred as a result of the commencement or maintenance of any legal action to enforce the terms and conditions of this agreement.

37. Judicial Interpretation. In the event that any term or provision of this agreement is submitted to a court for judicial interpretation, the parties hereto agree that such court shall not apply a presumption that said term or provision shall be more strictly construed against the party who prepared the document containing said term or provision, resulting from the rule of construction that a document or its contents is to be construed more strictly against the person who himself or through his agent prepared the same.

38. Governing Law. This agreement shall be governed by and construed in accordance with the laws of the State of Utah.

39. Cancellation of Agreement. Notwithstanding any provision herein to the contrary, this agreement shall be cancelled and shall become null and void if the initial overall residential recycling participation rate referred to in paragraph 18(c) is less than 50%.

IN WITNESS WHEREOF, District and Dixie Waste have executed this agreement on the day and year first above written.

WASHINGTON COUNTY SPECIAL
SERVICE DISTRICT NO. 1:

_____
Michael Heaton, Chairman

ATTEST:
(Seal)

_____
Ruth Whitaker, Secretary

On the _____ day of _____, 2015, personally appeared before me MICHAEL HEATON and RUTH WHITAKER, who being by me duly sworn did say, each for himself or herself, that the said MICHAEL HEATON is Chairman and that the said RUTH WHITAKER is Secretary of Washington County Special Service District No. 1, and that the within and foregoing Curbside Residential Recycling Collection Agreement was signed on behalf of said District by authority of a Resolution of its Administrative Control Board, and that said MICHAEL HEATON and RUTH WHITAKER each duly acknowledged to me that he or she has executed the same pursuant to said Resolution.

_____
Notary Public

DIXE WASTE SERVICES, INC.

_____
Stacey Hughes, President

(SEAL)
ATTEST:

_____
Kathleen Peterson, Secretary

On the ____ day of _____, 2015, personally appeared before me STACEY HUGHES and KATHLEEN PETERSON, who being by me duly sworn did say, each for him/herself, that the said STACEY HUGHES is President and that the said KATHLEEN PETERSON is Secretary of Dixie Waste Services, Inc., and that the within and foregoing Curbside Residential Recycling Collection Agreement was signed in behalf of said corporation by authority of its bylaws and that STACEY HUGHES and KATHLEEN PETERSON each duly acknowledged to me that he/she executed the same on behalf of said corporation and that the seal affixed is the seal of said corporation.

_____

Notary Public

**Exhibit "A"**

RECYCLABLE MATERIALS

METAL CANS, MILK AND JUICE CARTONS

1. **Aluminum Cans, Trays & Foil (trays and foil must be cleaned)**
2. **Aseptic Packaging & Gable Top Containers (milk and juice cartons)**
3. **Steel Cans**
4. **Tin Cans**

**PLASTICS: (The numbers below are found in chasing arrows on the bottom of the plastic container)**

1. **#1 PETE Soda, Water, & Flavored Beverage Bottles (#1 clear and all colored)**
2. **#2 HDPE Milk & Juice Jugs (clear)**
3. **#2 HDPE Detergent & Fabric Softener Containers (colored)**
4. **#3 PVC Narrow Neck Containers Only (health & beauty aid products, household cleaners)**
5. **#4 LDPE Grocery Containers (margarine tubs, frozen dessert cups, six and twelve pack rings)**
6. **#5 PP Grocery Containers (yogurt cups and narrow neck syrup and ketchup bottles)**
7. **#6 PS clean Styrofoam without any food waste**
8. **#7 Plastic Narrow Neck Containers Only**
9. **Plastic buckets, such as kitty litter buckets (5 gallon maximum size and no metal handle)**

**Note: If the number in the chasing arrow on the container is #1, #2, #3, #4, #5, #6, or #7 and it meets the criteria outlined below in section D. Other Container Criteria, the container may be recycled**

**ACCEPTED RESIDENTIAL PAPER FIBER LIST:**

1. **Newspaper, including inserts (remove plastic sleeves)**
2. **Cardboard (No Waxed Cardboard)**
3. **Kraft (brown paper) bags**
4. **Magazines, Catalogs, & Telephone Books**

5. **Office & Computer paper, notebook, school, & gift wrap (no metal clips, spirals, ring binders)**
6. **Chipboard (cereal, cake & food, gift boxes, etc.)**
7. **Carrier Stock (soda, beer can carrying cases)**
8. **Junk Mail & Envelopes (no plastic cards, stick on labels)**
9. **Paperback and Hard Cover Books**
10. **Empty pizza boxes**

**OTHER CONTAINER CRITERIA:**

1. **All containers are to be empty**
2. **No motor oil, insecticide, herbicide or hazardous chemical containers**
3. **No plastic bags (return to grocery or department store)**
4. **No plastic film (no plastic sheets, tarps, or wrap**

DRAFT

Agenda Item Number : 5B

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-23 15:42:31 |
| **Applicant** | HETTSA Group, LLC |
| **Quick Title** | Consider to accept petition for annexation for consideration |
| **Subject** | Consider a request to accept an annexation petition for consideration on approximately 3.614 acres. The property is Located at approximately 1060 W Shady Springs Drive. |
| **Discussion** | The applicant has submitted a petition to the City, to consider an annexation. The City Council may accept or deny a petition for annexation. If accepted for consideration, State Law requires several steps, including a public noticing and public hearing at a later date. According to the applicant, the desire is to annex and develop a six lot single family subdivision. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Request is for an annexation of 3+acres of the Gubler farm off Indian Hills Drive.This is the first step in the process. In order to proceed the City has to accept this petition. |
| **Action Taken** | |
| **Requested by** | John Willis |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

This Petition for Annexation is not complete until all items listed below are verified by the City and is formally stamped "RECEIVED" by the City Recorder's Office

# Petition for Annexation
## City of St. George, Utah
**Landowner Initiated Petition (UCA § 10-2-403)**

RECEIVED
JUL 28 2015
ST. GEORGE CITY
CITY RECORDER'S OFFICE

**Name of Annexation:** Brookfield Addition
**Today's Date:** 7/23/15

**Property Location & Description:** (Give section information, street address or exterior boundaries of area)

Approximately 1060 W. Shady Springs Dr.
NE 1/4 Section 35 Township 42S Range 16W SLB&M
Adjacent to "Gubler Addition"

**Number of Acres:** 3.614 **Current Tax ID #:** 7508 Formerly parts of 7507, 7503, and 7516-A Will be 7508.

**Applicant and Contact Person:**

Name: HETTSA Group, LLC (Steven Hall)
Complete Address: 20 N. Main, Suite 402, St. George, UT 84770
Phone Number: 435-862-2216
Email Address: hettsa.group@gmail.com

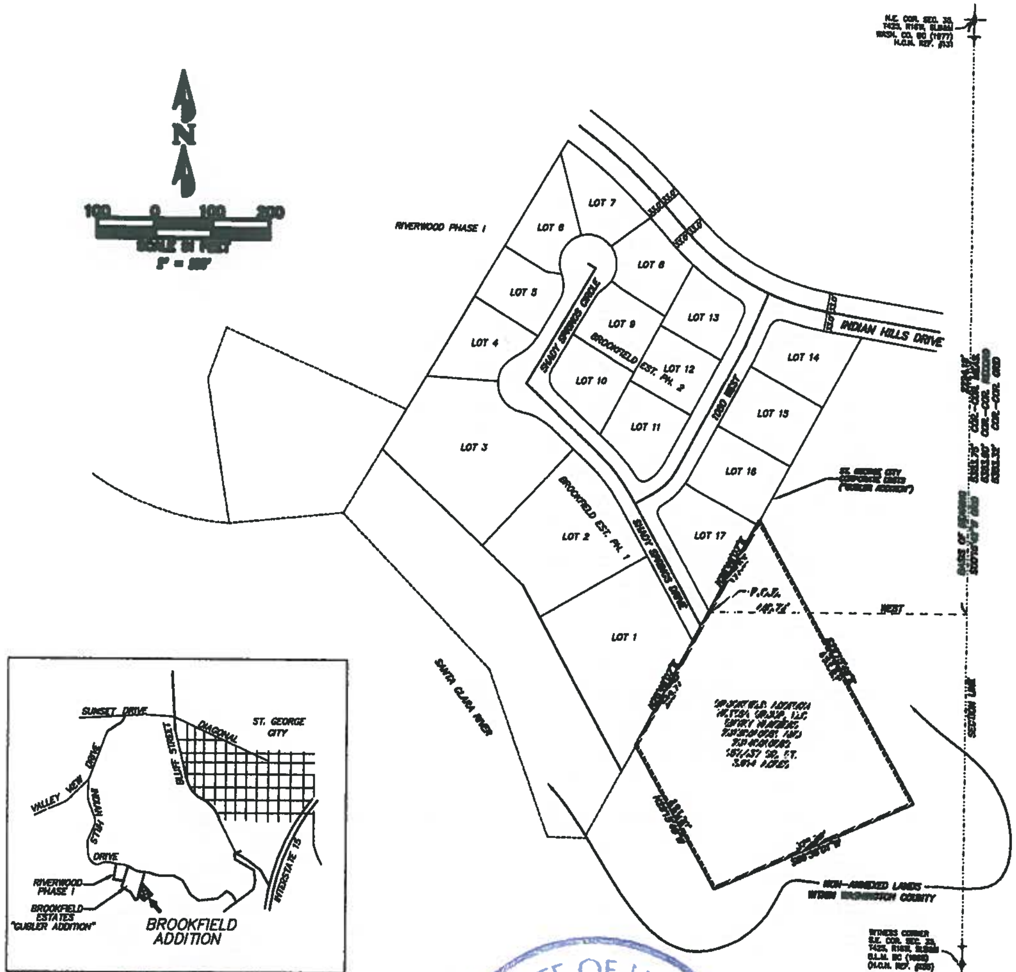
Steven B. Hall — Signature of Applicant
7/23/15 — Date

**All Private Owners in the Proposed Annexation Area & Percent of Ownership:**

| Name | Signature | % of Ownership |
|---|---|---|
| HETTSA Group, LLC | Steven B. Hall | 100 % |
| | | |
| | | |
| | | |
| | | |

**This petition must be accompanied by:**

- ☑ $500 filing fee
- ☑ An accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation (mylar) (UCA § 403(3)(d))
- ☑ Title report verifying all property owners
- ☑ Five (5) 24x36 paper prints of the annexation plat
- ☑ A copy of the notice sent to affected entities (UCA § 403(2)) and a list of the affected entities to which notice was sent
- ☑ Annexation Petitioners' - Sponsors' Contact Sheet
- ☑ Petitioners' Questionnaire
- ☑ Annexation Plat Contact Information Sheet
- ☑ Annexation Plat Review Form (completed and signed by P.L.S.) Must be approved by the City Surveyor




## SURVEYOR'S CERTIFICATE

I, ROGER M. BUNDY, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NUMBER 7634 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS MAP CORRECTLY REPRESENTS LANDS TO BE ADDED TO THE CORPORATE LIMITS OF THE CITY OF ST. GEORGE, WASHINGTON COUNTY UTAH, AND IS TO BE KNOWN HEREAFTER AS:

### "BROOKFIELD ADDITION"

SAID LANDS LYING IN AND BEING A PART OF THE NORTHEAST 1/4, SECTION 33, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

## BOUNDARY DESCRIPTION

PORTIONS OF LOTS 1 AND 2, OF BLOCK 3, OF D.D. McARTHUR'S ENTRY AND SURVEY, ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF THE "GUBLER ADDITION" ANNEXATION FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS DOCUMENT NO. [illegible], SAID POINT BEING [illegible] FEET ALONG THE SECTION LINE, AND WEST 450.70 FEET FROM THE NORTHEAST CORNER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING THE SOUTHERLY CORNER OF LOT 17 OF "BROOKFIELD ESTATES SUBDIVISION PHASE II" FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS DOCUMENT NO. [illegible], RUNNING THENCE [illegible] 177.93 FEET ALONG THE EASTERLY BOUNDARY OF SAID SUBDIVISION; THENCE [illegible] FEET; THENCE [illegible] FEET; THENCE [illegible] FEET TO A POINT ON THE EASTERLY BOUNDARY OF THE "GUBLER ANNEXATION", SAID POINT ALSO BEING ON THE EASTERLY LINE OF LOT 1 OF "BROOKFIELD ESTATES SUBDIVISION PHASE I" FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS DOCUMENT NO. [illegible]; THENCE [illegible] 202.77 FEET ALONG THE EASTERLY BOUNDARY OF "BROOKFIELD ESTATES PHASE I" AND THE BOUNDARY OF "BROOKFIELD ESTATES PHASE I" TO THE POINT OF BEGINNING. CONTAINING 157,437 SQ. FT. OR 3.614 ACRES.

7/14/15
DATE

ROGER M. BUNDY – P.L.S. No. 7634

7634 ROGER M. BUNDY

## LEGEND

SECTION MONUMENTATION

BROOKFIELD ADDITION

ANNEXATION PLAT FOR

# "BROOKFIELD ADDITION"

LANDS TO BE ANNEXED TO THE CITY OF ST. GEORGE

R&B SURVEYING, INC.

STATE OF UTAH CITY SURVEYOR PROFESSIONAL LAND SURVEYOR 4938728

| CITY SURVEYOR'S APPROVAL | COUNTY SURVEYOR'S APPROVAL | APPROVAL AS TO FORM | APPROVAL AND ACCEPTANCE BY THE CITY OF ST. GEORGE, UTAH | RECORDED NUMBER |
|---|---|---|---|---|
| THE HEREON ANNEXATION PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE THE ____ DAY OF ________, A.D. 2015. 7-15-15 CITY SURVEYOR CITY OF ST. GEORGE | THE HEREON ANNEXATION PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE THE ____ DAY OF ________, A.D. 2015. COUNTY SURVEYOR WASHINGTON COUNTY, UTAH | APPROVED AS TO FORM, THIS THE ____ DAY OF ________, A.D. 2015. CITY ATTORNEY CITY OF ST. GEORGE | WE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ST. GEORGE, UT, HAVE REVIEWED THE HEREON "BROOKFIELD ANNEXATION" AND BY AUTHORIZATION OF SAID CITY COUNCIL, RECORDED IN THE MINUTES OF IT'S MEETING OF THE ____ DAY OF ________ A.D. 2015, HEREBY ACCEPT SAID "BROOKFIELD ANNEXATION" WITH ALL COMMITMENTS AND OBLIGATIONS PERTAINING THERETO. ATTEST: CITY RECORDER CITY OF ST. GEORGE — MAYOR CITY OF ST. GEORGE | WASHINGTON COUNTY RECORDER |

DRAFT

Agenda Item Number : 6A

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-29 14:49:27 |
| **Applicant** | John Shaw |
| **Quick Title** | Looking Upward 2015 |
| **Subject** | Consideration of a request to hold a concert event at Vernon Worthen Park Consideration of a request to waive the use fee for the Vernon Worthen Park |
| **Discussion** | The Looking Upward 2015 event will be held Saturday, September 26 from 12:00 pm to 9:00 pm at the Vernon Worthen Park. This free community event is being hosted by the Calvary Chapel and it will include live music, food, and activities for the whole family. The Calvary Church vision is to make this an annual uplifting family friendly event that will highlight the many great organizations and churches in the area. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Sounds like a great event at this park. Recommend approval. |
| **Action Taken** | |
| **Requested by** | Bill Swensen |
| **File Attachments** | Looking Upward 2015 CC .pdf |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |
| **Attachments** | Looking Upward 2015 CC .pdf |

FOR OFFICE USE ONLY

| | |
|---|---|
| _____ Insurance Received: | Date Received: |
| _____ Application Fee Paid | Date Paid: |

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


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

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


**EVENT NAME: Looking Upward 2015**

**Applicant's Name: John Shaw**

**Organization: Calvary Chapel**

**Mailing Address: 3922 S. Pioneer Road**

**City, State, Zip: St. George, Utah, 84790**

**Day Phone:** (435) 674-4955 **Cell/other:** (208) 610-0964

**E-mail: john@calvarysg.com**

**Event Web Address (if applicable):** lookingupwardutah.com

**Alternate contact name:** Steve Harrie **Day Phone:** (435) 674-4955

**Cell/other:** (435) 669-9336 **E-mail: steve@calvarysg.com**

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

**LOCATION Vernon Worthen Park**

**Location Details/Address: 400 E. 300 S., St. George**

| | | | |
|---|---|---|---|
| **Event** | **Date(s): September 26, 2015** | **Start time:** 12:00 PM | **End time:** 9 PM |
| **Set-up** | Date(s): **September 26, 2015** | Start time: 8 AM | End time: Noon |
| **Clean-up** | Date(s): **September 26, 2015** | Start time: 9 PM | End time: 10 PM |

**Is this a recurring event?** Yes **If yes; daily, weekly or other?** Annual

**Is this a Annual Event? Yes** **If yes; Same date and Place?** generally same Saturday in Sept.

**TYPE OF ACTIVITY** *check all that apply:* ☐ Sporting ☐ 5K ☐ Parade x☒ Festival
☐ Film Production ☐ Vendor Booth ☐ Cycling ☐ 10K ☐ Dance ☐ Block Party
☐ Outdoors Sales ☐ Training ☐ Fun Run ☐ ½ Marathon ☐ Other:

**PARTICIPANTS**

| | |
|---|---|
| **Number of participants expected: 1,000** | Number of volunteers/event staff: 100 |
| x☒ Open to the Public | ☐ Private Group/Party |

*If event is open to the public, is it:* ☐ Entrance Fee/Ticketed Event? FREE donations benefit the Utah Food Bank ☐ Fee for Participants/ Racers/Runners Only

# SPECIAL EVENT PERMIT APPLICATION

**EVENT** 9/26/15 - Looking Upward 2015



**VENDORS/FOOD/ALCOHOL** *check all that apply*

☒ **Vendors/merchants** **Quantity:** 20

x☒ Vendors *giving* away products/services — x☒ Vendors *selling* products/food Food Trucks

☒ **Food** — **Food Trucks** — SW Utah Health Dept., (435) 986-2580

☒ given away Hot Dogs — ☒ catered by restaurants/vendors — ☒ prepared on site hot dogs heated + Food Trucks

☐ **Alcoholic Beverages** — Utah DABC, (801) 977-6800

☐ beer stands — ☐ fenced in beer garden — ☐ liquor sales — Bus. Licensing, (435) 627-4740

**TENTS/STAGES/STRUCTURES** *(include details on site map)*

x☒ **Tents/Pop-up Canopies** — **Amount:** 20 — **Dimensions:** 10' x 10' — SG Fire Dept. (435) 627-4150

x☒ **Temporary Stage** — **Dimensions:** 32' x 24'

**Description of Tents/Canopies/Stage, etc.:** typical pop up tents + stage is electronic metal stage on wheels

**SITE SETUP/SOUND** *check all that apply (please include details on site map)*

☒ **Fencing/Scaffolding** — Orange vinyl netting

☐ **Barricades** — *(must obtain privately)*

☐ **Portable Sanitary Units** — *(must obtain privately)*

☐ **Music** *if yes, check all that apply* ☐ **Acoustic** x☒ **Amplified**

x☒ **PA/Audio system** **Type/Description:** Sound System multi-channel with Speakers

☐ **Fireworks / Fire Performances / Open Flame** — SG Fire Dept. (435) 627-4150

x☒ **Propane/Gas on site – to heat Hot Dogs** — SG Fire Dept. (435) 627-4150

☐ **Trash/Recycle bin coordination on site** — WCSW, (435) 673-2813

**ROAD & SIDEWALK USE (ENCROACHMENT PERMITS)** *You may begin to coordinate in advance with these contacts*

x☐ **Road Use** — **Location:** Food Trucks on SW corner 300 West *(please include details on site map)* — SG City Public Works Dept., (435) 627-4050

☐ **Sidewalk Use** — **Location:** *(please include details on site map)* — ☐ **Will stay on sidewalks and follow pedestrian laws**

☐ **Parade** — **# of Floats:**

**SECURITY/OTHER** *You may begin to coordinate in advance with these contacts:*

x☒ **Private Security/Officers** — **Company name:** — **# of Personnel:** 30 Calvary Chapel Men

☐ **Animals** — **Quantity:** — **What kind:**

☐ **Drawing or Raffle** — SG City Legal Dept. Diana Hamblin, (435) 627-4606

☐ **Motion Pictures/Videos** — ☐ **Other:**

**My signature verifies that I have completed this application to the best of my knowledge and I am aware that I am responsible for paying for City services beyond "basic City services" (if applicable to my event).**

John F. Shaw, Jr — Print Applicant's Name

Applicant's Signature

7/29/2015 — Date

☐ Please do NOT include my event on the City Event Calendar Website

Looking Upward 2015 – September 26, 2015 – Noon to 9 PM

This is a free community event for the whole family. We will have concerts, food, bounce houses for the kids, activities for the whole family and community non-profit displays.

The day long event will be anchored by worship concerts throughout the day. We will have a Spanish Worship Band at 1 PM, Young Adult Worship Band at 3 PM, Calvary Chapel Worship Band at 5 PM and an internationally known Christian Band at 7 PM. There will be free hot dogs from Noon to 5 PM. At 5 PM local companies with Food Trucks will come in to provide cuisine for the dinner hour that people can purchase. The Bounce Houses will be up for the kids from Noon to 5 PM.

In between concerts, we hope to have displays and demonstrations from various community organizations like: ambulance, fire, life flight, Incident Command & National Guard. We are also inviting non-profit organizations such as the Dove Center, HOPE, Utah Food Bank, Switchpoint and many local churches to have booth displays (nothing to be sold). Our event will benefit the Utah Food Bank, so while the event is FREE, we will be encouraging people to bring donations of food or monies will be given to the Utah Food Bank.

Our vision is to make this an annual uplifting family friendly event that will highlight the many great organizations and churches in the area.

# UPWARD

**FREE ALL DAY EVENT**

**SEPT. 26**
**NOON - 9PM**

CONCERTS
FOOD
KIDZONE
FAMILY ACTIVITIES

LOOKINGUPWARDUTAH.COM

DRAFT

Agenda Item Number : 6B

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-29 08:55:06 |
| **Applicant** | Gregg McArthur |
| **Quick Title** | Round Up Days Barn Dance |
| **Subject** | Consideration of a request to host a Barn Dance at the historic Hela Seegmiller Historic Farm. Consideration of a request to waive the use fee for the Hela Seegmiller Historic Farm facility. |
| **Discussion** | The Round Up Days Barn Dance will be held on Wednesday, September 16 from 6:00 pm to 10:00 pm at the Hela Seegmiller Historic Farm. The St George Chamber of Commerce will host a BBQ dinner and barn dance with live music. Any proceeds will go towards the renovation, building and relocation of the St George Chamber business office. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Sounds like a great event.Recommend approval. |
| **Action Taken** | |
| **Requested by** | Bill Swensen |
| **File Attachments** | Round Up Days Barn Dance .pdf |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |
| **Attachments** | Round Up Days Barn Dance .pdf |

FOR OFFICE USE ONLY

| | |
|---|---|
| _____ Insurance Received: | Date Received: |
| _____ Application Fee Paid | Date Paid: |

Business License Use Only

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


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

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


**EVENT NAME:** Round Up Days Barn Dance

**Applicant's Name:** Gregg McArthur

**Organization:** St. George Chamber of Commerce

**Mailing Address:** 97 E. St. George Blvd.

**City, State, Zip:** St. George, UT 84770

**Day Phone:** 435-628-1650 **Cell/other:** 801-520-5566

**E-mail:** gregg@stgeorgechamber.com

**Event Web Address (if applicable):** roundupdays.com

**Alternate contact name:** Susi Lafaele **Day Phone:** 435-628-1650

**Cell/other:** 435-668-1352 **E-mail:** susi@stgeorgechamber.com

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

**LOCATION** Hela Seegmiller Historic Farm

**Location Details/Address:** 3000 E. 2450 S.

| | | | |
|---|---|---|---|
| **Event** | **Date(s):** September 16, 2015 | **Start time:** 6 pm | **End time:** 10 pm |
| **Set-up** | Date(s): September 16, 2015 | Start time: 1 pm | End time: 6 pm |
| **Clean-up** | Date(s): September 16, 2015 | Start time: 10 pm | End time: 12 am |

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

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

**TYPE OF ACTIVITY** *check all that apply:*

- [ ] Sporting
- [ ] 5K
- [ ] Parade
- [ ] Festival
- [ ] Film Production
- [ ] Vendor Booth
- [ ] Cycling
- [ ] 10K
- [x] Dance
- [ ] Block Party
- [ ] Outdoors Sales
- [ ] Training
- [ ] Fun Run
- [ ] ½ Marathon
- [ ] Other:

**PARTICIPANTS**

**Number of participants expected:** 200 | Number of volunteers/event staff: 5

[x] Open to the Public | [ ] Private Group/Party

*If event is open to the public, is it:* [x] Entrance Fee/Ticketed Event? [ ] Fee for Participants/ Racers/Runners Only

# SPECIAL EVENT PERMIT APPLICATION

**EVENT_____-**



_____

**VENDORS/FOOD/ALCOHOL** *check all that apply*

☐ **Vendors/merchants** **Quantity:**
☐ Vendors ***giving*** away products/services ☐ Vendors ***selling*** products/food

☒ **Food** SW Utah Health Dept., (435) 986-2580
☐ given away ☒ catered by restaurants/vendors ☒ prepared on site

☒ **Alcoholic Beverages** Utah DABC, (801) 977-6800
☐ beer stands ☐ fenced in beer garden ☐ liquor sales Bus. Licensing, (435) 627-4740

**TENTS/STAGES/STRUCTURES** *(include details on site map)*

☐ **Tents/Pop-up Canopies** **Amount:** SG Fire Dept. (435) 627- 4150
**Dimensions:**

☐ **Temporary Stage** **Dimensions:**

**Description of Tents/Canopies/Stage, etc.:**

**SITE SETUP/SOUND** *check all that apply (please include details on site map)*

☐ **Fencing/Scaffolding**
☐ **Barricades** *(must obtain privately)*
☐ **Portable Sanitary Units** *(must obtain privately)*
☒ **Music** *if yes, check all that apply* ☐ **Acoustic** ☒ **Amplified**
☒ **PA/Audio system** **Type/Description:**
☐ **Fireworks / Fire Performances / Open Flame** SG Fire Dept. (435) 627- 4150
☐ **Propane/Gas on site** SG Fire Dept. (435) 627- 4150
☐ **Trash/Recycle bin coordination on site** WCSW, (435) 673-2813

**ROAD & SIDEWALK USE (ENCROACHMENT PERMITS)** *You may begin to coordinate in advance with these contacts*

☐ **Road Use** **Location:** *(please include details on site map)* SG City Public Works Dept., (435) 627-4050

☐ **Sidewalk Use** **Location:** *(please include details on site map)* ☐ **Will stay on sidewalks and follow pedestrian laws**

☐ **Parade** **# of Floats:**

**SECURITY/OTHER** *You may begin to coordinate in advance with these contacts:*

☒ **Private Security/Officers** **Company name:** **# of Personnel:**
☐ **Animals** **Quantity:** **What kind:**
☐ **Drawing or Raffle** SG City Legal Dept. Diana Hamblin, (435) 627-4606
☐ **Motion Pictures/Videos** ☐ **Other:**

**My signature verifies that I have completed this application to the best of my knowledge and I am aware that I am responsible for paying for City services beyond "basic City services" (if applicable to my event).**

Susi Lafaele — Print Applicant's Name
Susi Lafaele — Applicant's Signature
7/6/15 — Date

☐ Please do NOT include my event on the City Event Calendar Website

## EVENT DESCRIPTION

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

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

Celebrating the 81st year of the Dixie Round-Up Rodeo and the traditions of St. George, the St. George Chamber will host a barn dance at the historic Hela Seegmiller farm on Wednesday, September 16. This ticketed event will include a BBQ dinner prior to the dance (starting at 6pm) and live entertainment featuring local musicians. Any proceeds will go towards the renovation, building and relocation of the St. George Chamber business office.

DRAFT

Agenda Item Number : 6C

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-29 08:41:37 |
| **Applicant** | Kelly Ochsenhirt |
| **Quick Title** | Ham It Up Against Hunger |
| **Subject** | Consideration of a request for partial road closures in the Ft Pierce Industrial Park and a temporary crossing of River Road at two locations in conjunction with a 5k event. |
| **Discussion** | The 1st Ham It Up Against Hunger 5k will be held on Saturday, September 12 from 8:00 am to 12:00 pm at the Utah Food Bank facility in the Ft Pierce Industrial Park. This family-fun race is being held in conjunction with National Hunger Action Month (HAM) with all proceeds directly supporting the Utah Food Bankâ€™s mission of Fighting Hunger Statewide. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Great idea. Would suggest discussion with the applicant to see if the route can be changed so we don't have to have them cross River Road twice because of the large vehicle traffic. |
| **Action Taken** | |
| **Requested by** | Bill Swensen |
| **File Attachments** | Ham It Up Against Hunger CC .pdf |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |
| **Attachments** | Ham It Up Against Hunger CC .pdf |

FOR OFFICE USE ONLY

| | |
|---|---|
| _____ Insurance Received: | Date Received: |
| _____ Application Fee Paid | Date Paid: |

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


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

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


**EVENT NAME:** **Ham It Up Against Hunger**

**Applicant's Name:** Kelly Ochsenhirt

**Organization:** Utah Food Bank

**Mailing Address:** 3150 S. 900 W.

**City, State, Zip:** Salt Lake City, UT 84119

**Day Phone:** (801) 978-2452 **Cell/other:** (801) 870-7079

**E-mail:** KellyO@utahfoodbank.org

**Event Web Address (if applicable):**

**Alternate contact name:** Ginette Bott **Day Phone:** (801) 887-1283

**Cell/other:** (801) 599-6004 **E-mail:** ginetteb@utahfoodbank.org

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

**LOCATION** Utah Food Bank Southern Distribution Center

**Location Details/Address:** 4416 South River Road, St. George, UT 84790

| Event | Date(s): 9/12/15 | Start time: 8:00am | End time: 12:00pm |
|---|---|---|---|
| Set-up | Date(s): 9/12/15 | Start time: 6:00am | End time: 7:30am |
| Clean-up | Date(s): 9/12/15 | Start time: 11:00am | End time: 12:00pm |

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

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

**TYPE OF ACTIVITY** *check all that apply:*

- ☐ Sporting
- X 5K
- ☐ Parade
- ☐ Festival
- ☐ Film Production
- ☐ Vendor Booth
- ☐ Cycling
- ☐ 10K
- ☐ Dance
- ☐ Block Party
- ☐ Outdoors Sales
- ☐ Training
- X Fun Run
- ☐ ½ Marathon
- X Other: Fundraiser

**PARTICIPANTS**

| | |
|---|---|
| **Number of participants expected: 500** | Number of volunteers/event staff: 10 |
| X Open to the Public | ☐ Private Group/Party |

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

# SPECIAL EVENT PERMIT APPLICATION

EVENT_____-



_____

**VENDORS/FOOD/ALCOHOL** *check all that apply*

☐ **Vendors/merchants** **Quantity:**
☐ Vendors ***giving*** away products/services ☐ Vendors ***selling*** products/food

☐ **Food** SW Utah Health Dept., (435) 986-2580
☐ given away ☐ catered by restaurants/vendors ☐ prepared on site

☐ **Alcoholic Beverages** Utah DABC, (801) 977-6800
☐ beer stands ☐ fenced in beer garden ☐ liquor sales Bus. Licensing, (435) 627-4740

**TENTS/STAGES/STRUCTURES** *(include details on site map)*

☐ **Tents/Pop-up Canopies** **Amount:** SG Fire Dept. (435) 627- 4150
**Dimensions:**

☐ **Temporary Stage** **Dimensions:**

**Description of Tents/Canopies/Stage, etc.:**

**SITE SETUP/SOUND** *check all that apply (please include details on site map)*

X **Fencing/Scaffolding**
☐ **Barricades** *(must obtain privately)*
X **Portable Sanitary Units** *(must obtain privately)*
X **Music** *if yes, check all that apply* ☐ **Acoustic** X **Amplified**
X **PA/Audio system** **Type/Description:**
☐ **Fireworks / Fire Performances / Open Flame** SG Fire Dept. (435) 627- 4150
☐ **Propane/Gas on site** SG Fire Dept. (435) 627- 4150
X **Trash/Recycle bin coordination on site** WCSW, (435) 673-2813

**ROAD & SIDEWALK USE (ENCROACHMENT PERMITS)** *You may begin to coordinate in advance with these contacts*

X **Road Use** **Location:** See Map *(please include details on site map)* SG City Public Works Dept., (435) 627-4050

☐ **Sidewalk Use** **Location:** *(please include details on site map)* ☐ **Will stay on sidewalks and follow pedestrian laws**

☐ **Parade** **# of Floats:**

**SECURITY/OTHER** *You may begin to coordinate in advance with these contacts:*

☐ **Private Security/Officers** **Company name:** **# of Personnel:**
☐ **Animals** **Quantity:** **What kind:**
☐ **Drawing or Raffle** SG City Legal Dept. Diana Hamblin, (435) 627-4606
☐ **Motion Pictures/Videos** ☐ **Other:**

**My signature verifies that I have completed this application to the best of my knowledge and I am aware that I am responsible for paying for City services beyond "basic City services" (if applicable to my event).**

Kelly Ochsenhirt — Print Applicant's Name
[signature] — Applicant's Signature
2/13/15 — Date

☐ Please do NOT include my event on the City Event Calendar Website

## EVENT DESCRIPTION

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

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

Get ready for the 1st HAM it up against hunger 5K! We would like to hold this family-fun race every year in September in conjunction with National Hunger Action Month (HAM). Every sponsorship dollar and registration fee for the race directly supports Utah Food Bank's mission of Fighting Hunger Statewide.

The HAM it up against hunger 5K is proposed to start and finish at the Utah Food Bank Southern Distribution Center. This will create awareness of hunger in our state; bring awareness to Utah Food Bank in St. George, and encourage participants to join Utah Food Bank's mission of fighting hunger statewide.

- **WHAT:** The HAM it up against hunger 5K!
- **WHO:** You, Utah Food Bank, running enthusiasts and the whole family.
- **WHEN:**

  Saturday, September 12, 2015 (8:00 AM 5K Start)
  Utah Food Bank Southern Distribution Center
  4416 South River Road
  St. George, UT 84790

- **WHY:** Funds raised from the HAM it up 5K will directly support Utah Food Bank programs, operations, outreach, education and advocacy efforts.

# DETAILED SITE MAP (See Below)

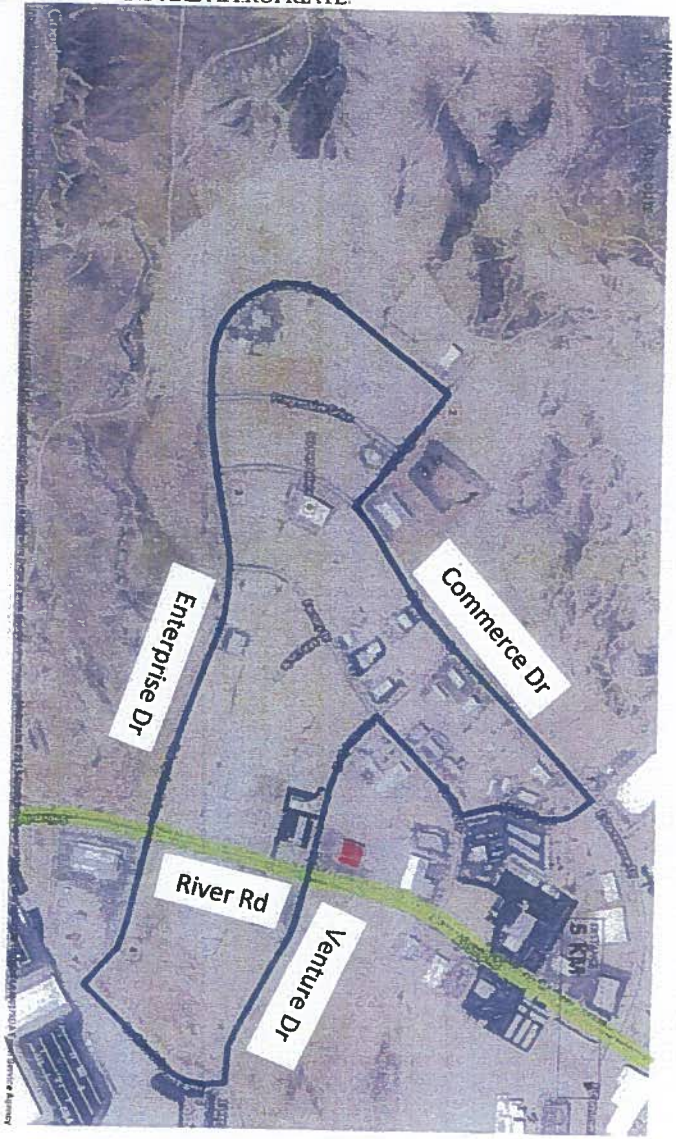
The 5K race is proposed to start on Venture Dr. in front of Utah Food Bank Southern Distribution Center, runners will head east on Ventura and cross River Road. Runners will then head East on Ventura and turn south onto Beehive Drive, making the loop into Enterprise Drive. Runners will continue West on Enterprise Drive, until they turn onto Quality Drive. Runners will then turn northeast onto Commerce Drive and continue on that road until they turn south on 950 E Street. Once they reach factory drive they will turn west and head to the final turn onto Venture Drive where they will finish. Please see the attached map for further details.

We would like to propose the help of the St. George Police Department for this event. The Police could be strategically placed at intersections along the race path to ensure all safety measures are met. Course Volunteers will also be strategically placed along the route path to guide runners, and make sure they are safe and maintaining the correct course.

Any questions regarding the details of the route can be addressed with Kelly Ochsenhirt, Event Specialist for Utah Food Bank, at (801) 887-1281 or kellyo@utahfoodbank.org.

## DETAILED SITE MAP

PLEASE INCLUDE OR ATTACH A DETAILED SITE PLAN AND/OR ROUTE MAP. COMPUTER OR HAND-DRAWN SITE PLANS ARE APPROPRIATE.




Ham It Up Against Hunger 5k Route

# H.A.M. It Up Against Hunger Traffic Control Plan

The 5K makes a loop that starts at Utah Food Bank Southern Distribution Center (4416 S. River Rd.) and travels West on Venture Dr., turning North on Factory Dr. and continues North on 950 E. Street. Runners will then turn on E Commerce Drive, running in a South West direction. Runners will then turn West onto Quality Drive and head West, until turning southward onto Enterprise Drive. It is anticipated that there will be St. George Police and Course Marshall Volunteers guiding runners along the route. Runners will continue East on Enterprise Drive, until turning North onto Beehive Drive. Finally runners will head West on Venture Drive, crossing River Road and finishing back at Utah Food Bank Southern Distribution Center. Please see the attached map for further details.

We are anticipating the route to be administered by St. George Police and to have their assistance in overseeing the route plan. We anticipate having one lane closed for the race, with one lane open for traffic along the entire route. The Police will be strategically placed at intersections along the race path to ensure all safety measures are met. Course Volunteers will also be strategically placed along the route path to guide runners, and make sure they are out of harms way.

Any questions regarding the details of the route can be addressed with Kelly Ochsenhirt, Event Specialist for Utah Food Bank, at (801) 887-1281 or kellyo@utahfoodbank.org.

# Ham It Up Against Hunger 5k Route

Date: 7/31/2015 Author: DEREK Project: New Plan

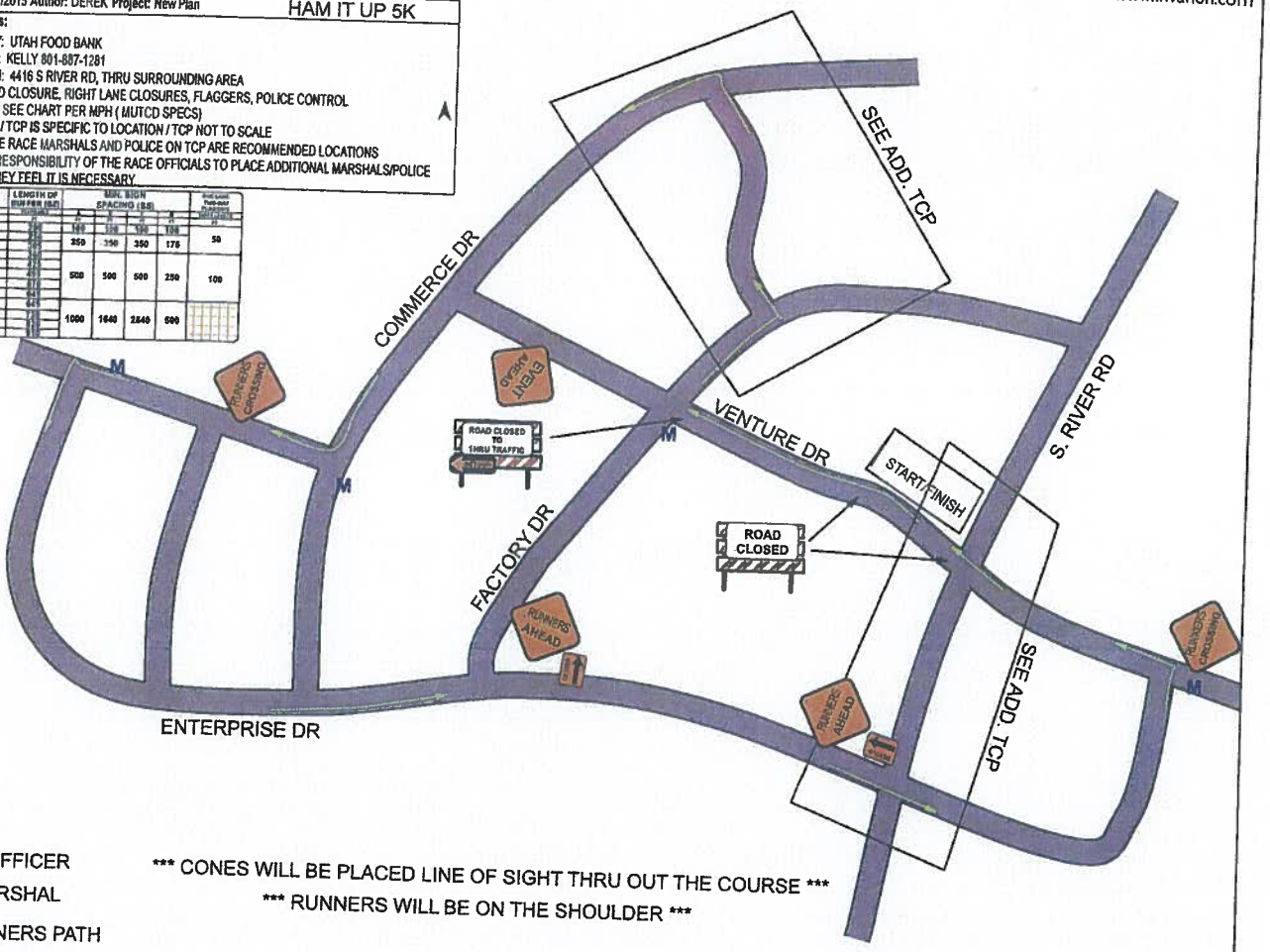
# HAM IT UP 5K

www.invarion.com

Comments:

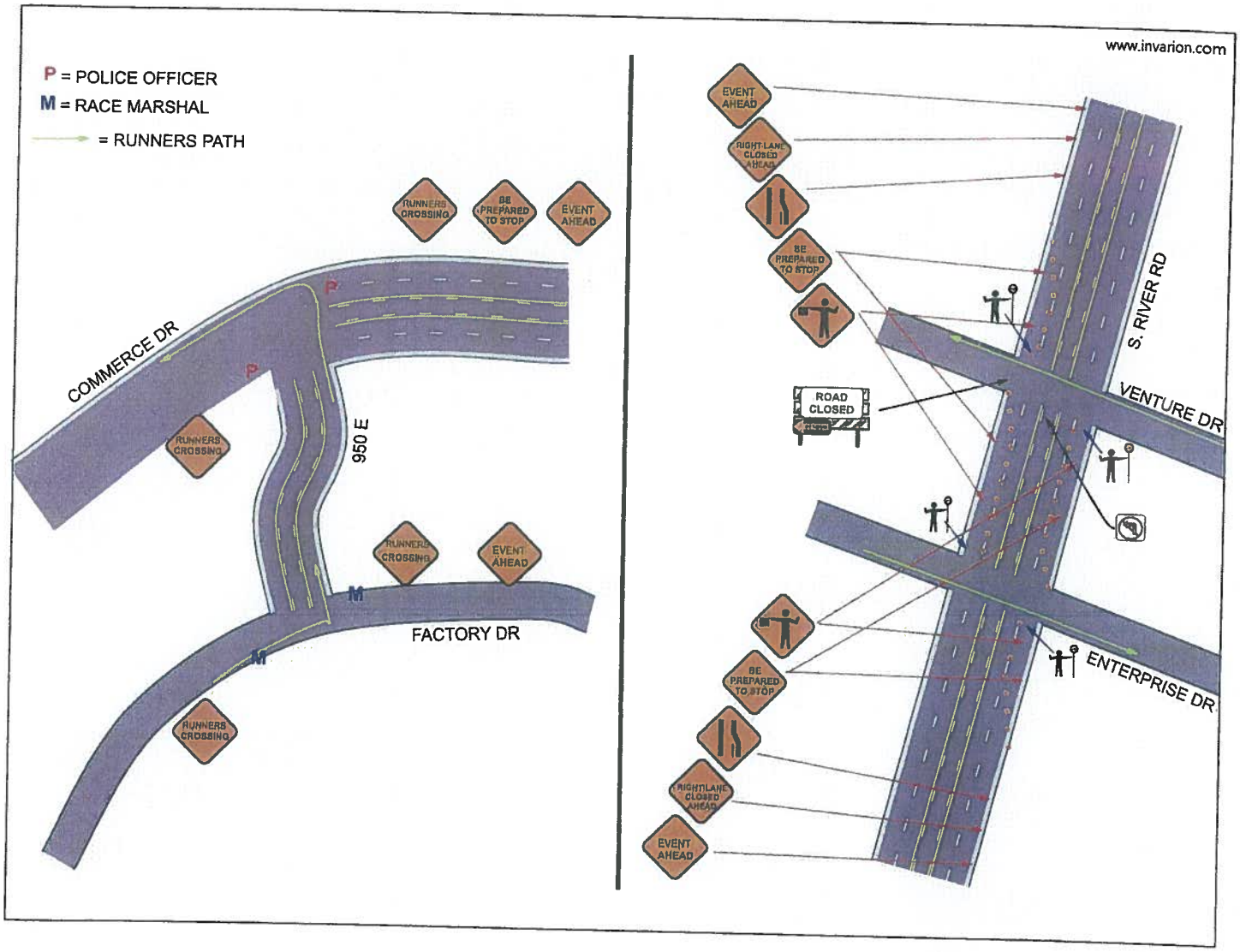
COMPANY: UTAH FOOD BANK
CONTACT: KELLY 801-887-1281
LOCATION: 4416 S RIVER RD, THRU SURROUNDING AREA
APP: ROAD CLOSURE, RIGHT LANE CLOSURES, FLAGGERS, POLICE CONTROL
SPACING: SEE CHART PER MPH ( MUTCD SPECS)
TCT ONLY / TCP IS SPECIFIC TO LOCATION / TCP NOT TO SCALE
NOTE: THE RACE MARSHALS AND POLICE ON TCP ARE RECOMMENDED LOCATIONS
IT IS THE RESPONSIBILITY OF THE RACE OFFICIALS TO PLACE ADDITIONAL MARSHALS/POLICE WHERE THEY FEEL IT IS NECESSARY

| ROAD TYPE | POSTED SPEED | MIN TAPER LENGTH (L) | LENGTH OF BUFFER (SD) | MIN. SIGN SPACING (SS) | | | | Post Loop Two-way Flagger Spacing |
|---|---|---|---|---|---|---|---|---|
| | | | | A | A | A | A | |
| CONVENTIONAL | 25 | 125 | 155 | 155 | 155 | 155 | 155 | 50 |
| | 30 | 180 | 215 | 250 | 250 | 250 | 175 | |
| | 35 | 245 | 295 | | | | | |
| | 40 | 320 | 360 | | | | | |
| | 45 | 405 | 450 | 500 | 500 | 500 | 250 | 100 |
| | 50 | 500 | 550 | | | | | |
| | 55 | 605 | 660 | | | | | |
| | 60 | 720 | 775 | | | | | |
| FREEWAY | 65 | 845 | 895 | | | | | |
| | 70 | 980 | 1035 | 1000 | 1640 | 2640 | 500 | |
| | 75 | 1125 | 1185 | | | | | |
| | 80 | 1280 | 1340 | | | | | |




P = POLICE OFFICER
M = RACE MARSHAL
→ = RUNNERS PATH

*** CONES WILL BE PLACED LINE OF SIGHT THRU OUT THE COURSE ***
*** RUNNERS WILL BE ON THE SHOULDER ***


www.invarion.com
P = POLICE OFFICER
M = RACE MARSHAL
= RUNNERS PATH
RUNNERS CROSSING
BE PREPARED TO STOP
EVENT AHEAD
COMMERCE DR
950 E
FACTORY DR
RIGHT LANE CLOSED AHEAD
ROAD CLOSED
S. RIVER RD
VENTURE DR
ENTERPRISE DR

DRAFT

Agenda Item Number : 6D

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-29 14:49:38 |
| **Applicant** | Nathan Henderickson |
| **Quick Title** | Sale of City Property |
| **Subject** | Consider the sale of City Property located in the Virgin River and also at the rear of the lot located at 2850 S. Palm Circle. |
| **Discussion** | The owner of this property has encroached onto City Property by extending his back yard. This area has been used for gardening and landscaping and children's play area. It is enclosed by a chain link fence. The City is restricting this property with an Flood Control Access Easement and also restricting the building of any permanent structure in this area. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Recommend approval of sale for this encroached property at the rate of $1.50 per square foot similar to what we have charged in the Bloomington Hills area. |
| **Action Taken** | |
| **Requested by** | Todd Jacobsen |
| **File Attachments** | 2850 S Palm Circle.pdf |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |
| **Attachments** | 2850 S Palm Circle.pdf |

# 2850 S. Palm Circle

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

July 29, 2015

# 2850 S. Palm Circle

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

July 29, 2015

DRAFT

Agenda Item Number : 6E

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-22 11:32:59 |
| **Applicant** | PC |
| **Quick Title** | PC Report from July 28, 2015 |
| **Subject** | Consider the Planning Commission report from the meeting on July 28, 2015 |
| **Discussion** | The PC had a short meeting, consisting of four final Plats. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Short PC meeting. Plats need approval. |
| **Action Taken** | |
| **Requested by** | John Willis |
| **File Attachments** | |
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |

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

PLANNING COMMISSION REPORT: JULY 28, 2015
CITY COUNCIL MEETING: AUGUST 6, 2015

1. **FINAL PLATS (FP)**

A. Consider approval of an eighteen (18) lot residential Final Plat for "**Aspen Estates Phase 1.**" The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) and is located at approximately 2930 South and 3000 East Street. The representative is Mr. Brad Petersen, Development Solutions. Case No. 2015-FP-019. (Staff Todd Jacobsen)

B. Consider approval of a sixteen (16) lot residential Final Plat for "**Desert Crest Phase 1.**" The property is zoned PD-R (Planned Development Residential) and is located at approximately 5980 South Desert Canyons Parkway. The representative is Mr. Brad Petersen, Development Solutions. Case No. 2015-FP-036. (Staff Todd Jacobsen)

C. Consider approval of a nineteen (19) lot residential Final Plat for "**Sun River St George Phase 40.**" The property is zoned PD-R (Planned Development Residential) and is located at Grapevine Drive and Pearl Vista Drive (at approximately 1360 West and 5210 South). The representative is Mr. Brandon Anderson, Rosenberg Associates. Case No. 2014-FP-003. (Staff Todd Jacobsen)

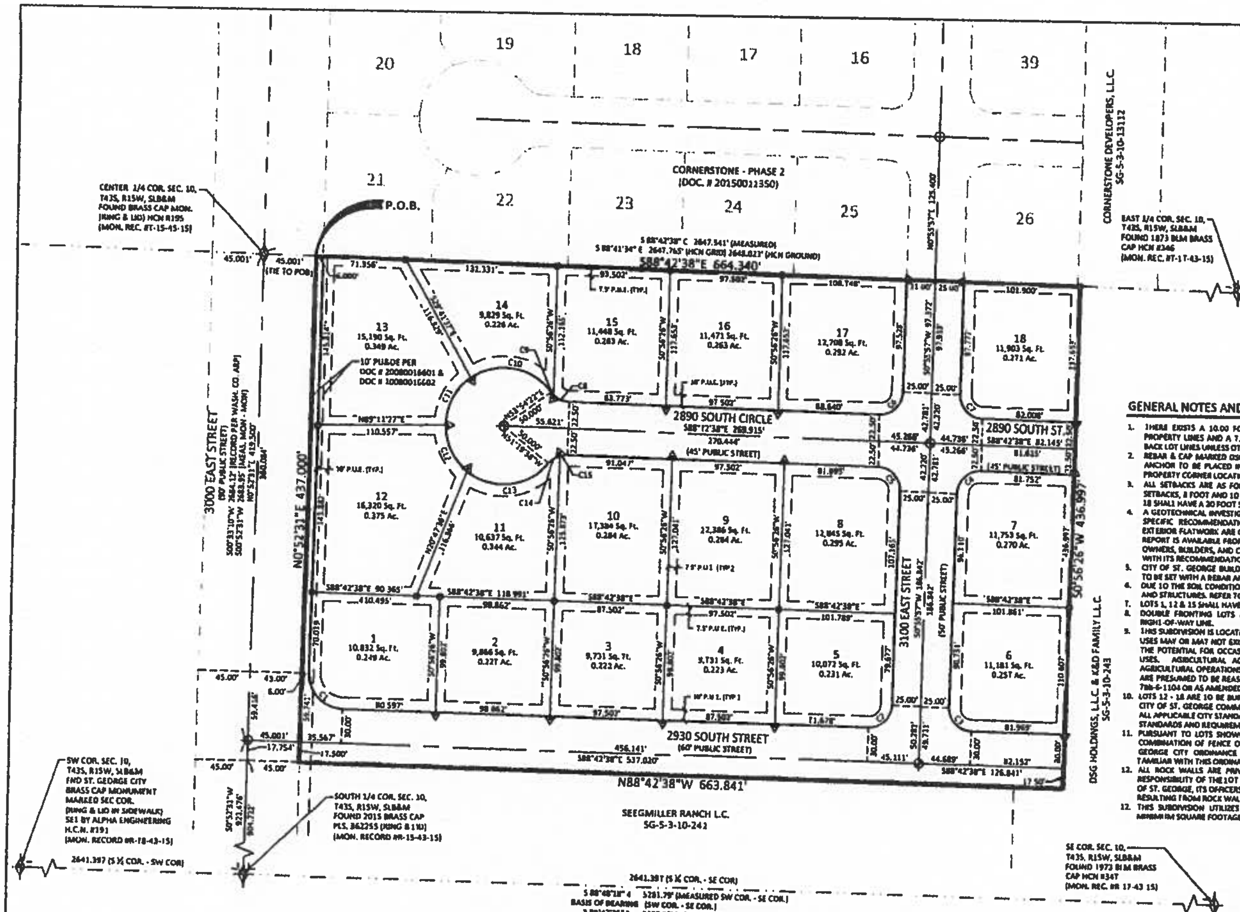
**D.** Consider approval of a twenty-two (22) lot residential Final Plat for "**Sun River St George Phase 41.**" The property is zoned PD-R (Planned Development Residential) and is located at Grapevine Drive (at approximately 1500 West and 5250 South). The representative is Mr. Scott McCall, Sun River St George. Case No. 2014-FP-002. (Staff – Todd Jacobsen

# PCR ITEM 1A
## Final Plat

PLANNING COMMISSION AGENDA REPORT: **07/28/2015**
CITY COUNCIL MEETING: **08/06/2015**

FINAL PLAT
**Aspen Estates Phase 1**
Case No. 2015-FP-019

| | |
|---|---|
| **Request:** | Approval of a 18 Lot Residential Subdivision Final Plat |
| **Representative:** | Brad Petersen, Development Solutions<br>120 East St. George Blvd, Suite #300<br>St. George, UT 84770 |
| **Property:** | Located at approximately 2930 South and 3000 East St. |
| **Zone:** | R-1-10 |
| **Staff Comments:** | All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat conditions and approvals. |
| **P.C.:** | The Planning Commission recommends approval. |




## SURVEYOR'S CERTIFICATE:

I, D. BRADFORD PETERSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 362255, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE VERIFIED ALL MEASUREMENTS, HAVE PLACED MONUMENTS AS SHOWN IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, PUBLIC STREETS, AND EASEMENTS HEREAFTER KNOWN AS:

### ASPEN ESTATES - PHASE 1

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THE LOTS SHOWN ON THIS PLAT MEET THE CURRENT ZONING ORDINANCE.

DATE: ______________

## LEGAL DESCRIPTION:

BEGINNING AT A POINT ON THE CENTER SECTION LINE, SAID POINT BEING SOUTH 88°42'38" EAST ALONG SAID CENTER SECTION LINE, A DISTANCE OF 45.001 FEET FROM THE CENTER QUARTER CORNER OF SECTION 10, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING ON THE EAST LINE OF 3000 EAST STREET, DEDICATED BY DEED OF DEDICATION DOCUMENT NO. 20080016601, AS RECORDED AND ON FILE IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AND RUNNING THENCE SOUTH 88°42'38" EAST ALONG SAID CENTER SECTION LINE, A DISTANCE OF 664.340 FEET; THENCE SOUTH 0°56'26" WEST 436.997 FEET; THENCE NORTH 88°42'38" WEST 663.841 FEET TO THE EAST LINE OF SAID 3000 EAST STREET; THENCE NORTH 0°52'31" EAST ALONG SAID EAST LINE OF 3000 EAST STREET, A DISTANCE OF 437.000 FEET TO THE POINT OF BEGINNING.

CONTAINS: 290,200 SQ. FT. (6.663 ACRES)

## GENERAL NOTES AND RESTRICTIONS

1. THERE EXISTS A 10.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL STREET SIDE PROPERTY LINES AND A 7.50 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL SIDE AND BACK LOT LINES UNLESS OTHERWISE NOTED.
2. REBAR & CAP MARKED DSG PLS 362255 TO BE PLACED AT REAR LOT CORNER LOCATIONS. CONCRETE ANCHOR TO BE PLACED IN THE SIDEWALK AT AN EXTENSION OF PROPERTY LINE FROM THE FRONT PROPERTY CORNER LOCATION (SEE LEGEND FOR PLACEMENT OF FRONT PROPERTY CORNERS).
3. ALL SETBACKS ARE AS FOLLOWS UNLESS OTHERWISE NOTED: 25 FOOT FRONT YARD (STREET SIDE) SETBACKS, 8 FOOT AND 10 FOOT SIDE YARD SETBACK, AND 10 FOOT REAR YARD SETBACK. LOTS 1, 12 & 18 SHALL HAVE A 20 FOOT SETBACK ALONG 3000 EAST.
4. A GEOTECHNICAL INVESTIGATION WAS PERFORMED BY AGEC, INC. THE INVESTIGATION RESULTS AND SPECIFIC RECOMMENDATIONS FOR THE CONSTRUCTION OF FOUNDATIONS, FLOOR SLABS, AND EXTERIOR FLATWORK ARE COMPILED IN A REPORT, PROJECT NO. 3140471 DATED JUNE 25, 2014. THIS REPORT IS AVAILABLE FROM THE DEVELOPER AND A COPY IS ON FILE WITH THE CITY OF ST. GEORGE. OWNERS, BUILDERS, AND CONTRACTORS SHOULD BECOME FAMILIAR WITH THIS REPORT AND COMPLY WITH ITS RECOMMENDATIONS.
5. CITY OF ST. GEORGE BUILDING DEPARTMENT REQUIRES ALL RESIDENTIAL SUBDIVISION LOT CORNERS TO BE SET WITH A REBAR AND CAP PRIOR TO OBTAINING A BUILDING PERMIT.
6. DUE TO THE SOIL CONDITIONS IN THIS AREA, SPECIAL CONSIDERATION IS REQUIRED FOR LANDSCAPING AND STRUCTURES. REFER TO THE GEOTECHNICAL INVESTIGATION FOR SPECIFIC RECOMMENDATIONS.
7. LOTS 1, 12 & 15 SHALL HAVE NO VEHICULAR ACCESS ONTO 3000 EAST STREET.
8. DOUBLE FRONTING LOTS ALONG 3000 EAST REQUIRE 6' HIGH PRIVACY WALLS PLACED AT THE RIGHT-OF-WAY LINE.
9. THIS SUBDIVISION IS LOCATED ADJACENT TO AGRICULTURAL PROPERTIES UPON WHICH LARGE ANIMAL USES MAY OR MAY NOT EXIST. ALL LOT OWNER'S WITHIN THIS SUBDIVISION ARE HEREBY NOTIFIED OF THE POTENTIAL FOR OCCASIONAL ODORS AND OTHER NUISANCES RELATED TO SUCH AGRICULTURAL USES. AGRICULTURAL ACTIVITIES CONDUCTED IN THE NORMAL AND ORDINARY COURSE OF AGRICULTURAL OPERATIONS OR CONDUCTED IN ACCORDANCE WITH SOUND AGRICULTURAL PRACTICES ARE PRESUMED TO BE REASONABLE AND SHALL NOT BE CONSIDERED A NUISANCE, AS PER UTAH CODE 78B-6-1104 OR AS AMENDED.
10. LOTS 12 - 18 ARE TO BE BUILT AS WALKOUT BASEMENTS ONLY UNLESS OTHERWISE APPROVED BY THE CITY OF ST. GEORGE COMMUNITY DEVELOPMENT DEPARTMENT BASED ON A SITE PLAN THAT MEETS ALL APPLICABLE CITY STANDARDS INCLUDING BUT NOT LIMITED TO GRADING AND SETBACK STANDARDS AND REQUIREMENTS.
11. PURSUANT TO LOTS SHOWN HEREON, THE HEIGHT OF ANY RETAINING WALL, OR HEIGHT OF ANY COMBINATION OF FENCE ON TOP OF A RETAINING WALL OR ROCKERY WALL IS RESTRICTED BY ST. GEORGE CITY ORDINANCE 10-18-4. OWNERS, BUILDERS, AND CONTRACTORS SHOULD BECOME FAMILIAR WITH THIS ORDINANCE AND COMPLY WITH SUCH.
12. ALL ROCK WALLS ARE PRIVATE AND ALL ROCK WALL REPAIR AND MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER. SAID OWNER SHALL INDEMNIFY AND HOLD HARMLESS THE CITY OF ST. GEORGE, ITS OFFICERS, BOARDS, EMPLOYEES, AGENTS AND ASSIGN, FROM ANY AND ALL CLAIMS RESULTING FROM ROCK WALLS LOCATED WITHIN THIS SUBDIVISION.
12. THIS SUBDIVISION UTILIZES LOT SIZE AVERAGING; THEREFORE, SOME LOTS MAY BE UNDER THE MINIMUM SQUARE FOOTAGE REQUIREMENT FOR THE ZONING CLASSIFICATION.

## OWNER'S DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF ALL THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS HEREAFTER KNOWN AS:

### ASPEN ESTATES - PHASE 1

FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, THE UNDERSIGNED OWNER DOES HEREBY DEDICATE AND CONVEY TO THE CITY OF ST. GEORGE FOR PERPETUAL USE OF THE PUBLIC, ALL PARCELS OF LAND SHOWN ON THIS PLAT AS PUBLIC STREETS AND EASEMENTS. ALL LOTS, PUBLIC STREETS, AND EASEMENTS ARE AS NOTED OR SHOWN. THE OWNER DOES HEREBY WARRANT TO THE CITY OF ST. GEORGE IT'S SUCCESSORS AND ASSIGNS, TITLE TO ALL PROPERTY DEDICATED AND CONVEYED TO PUBLIC USE HEREIN AGAINST THE CLAIMS OF ALL PERSONS. LOTS SHOWN ON THIS PLAT ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, OF ASPEN ESTATES SUBDIVISION, RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER ON THIS_____DAY OF____________, 2015, AS ENTRY NO.______________. SAID DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ARE HEREBY INCORPORATED AND MADE PART OF THIS PLAT.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS____DAY OF ____________________, 2015.

______________________
DEVELOPMENT SOLUTIONS GROUP, INC.
BY: BRETT BURGESS, PRESIDENT

## CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASHINGTON } S.S.

ON THIS ______ DAY OF ____________, 2015, A.D., PERSONALLY APPEARED BEFORE ME, BRETT BURGESS, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT OF DEVELOPMENT SOLUTIONS GROUP, INC., AND THAT HE EXECUTED THE FOREGOING OWNER'S DEDICATION ON BEHALF OF A RESOLUTION OF THE BOARD OF DIRECTORS OF DEVELOPMENT SOLUTIONS GROUP, INC. AND HE DID DULY ACKNOWLEDGE TO ME THAT SUCH CORPORATION EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: ______________
COMMISSION NUMBER: ______________
MY COMMISSION EXPIRES: ______________
A NOTARY PUBLIC COMMISSIONED IN UTAH
(IF ABOVE INFORMATION IS PROVIDED:
NO STAMP REQUIRED PER UTAH CODE,
TITLE 46, CHAPTER 1, SECTION 16)

______________
NOTARY PUBLIC

S 88°48'18" 4 5281.79' (MEASURED SW COR. - SE COR.)
BASIS OF BEARING (SW COR. - SE COR.)
S 88°47'25" T 5287.87' (HCN GRID) 5283.45' (HCN GROUND)

| CURVE TABLE | | | | |
|---|---|---|---|---|
| CURVE | RADIUS | LENGTH | DELTA | TANGENT |
| C1 | 30.000' | 46.907' | 89°35'09" | 29.784' |
| C2 | 20.000' | 31.541' | 90°21'25" | 20.125' |
| C3 | 20.000' | 31.291' | 89°38'35" | 19.876' |
| C4 | 20.000' | 31.541' | 90°21'25" | 20.125' |
| C5 | 20.000' | 31.291' | 89°38'35" | 19.876' |
| C6 | 20.000' | 31.541' | 90°21'25" | 20.125' |
| C7 | 20.000' | 31.291' | 89°38'35" | 19.876' |
| C8 | 20.000' | 15.176' | 43°28'50" | 7.975' |

| CURVE TABLE | | | | |
|---|---|---|---|---|
| CURVE | RADIUS | LENGTH | DELTA | TANGENT |
| C9 | 20.000' | 3.189' | 9°08'10" | 1.598' |
| C10 | 50.000' | 78.108' | 89°30'17" | 49.570' |
| C11 | 50.000' | 47.961' | 54°57'32" | 26.005' |
| C12 | 50.000' | 44.503' | 50°59'48" | 23.847' |
| C13 | 50.000' | 78.342' | 89°46'24" | 49.803' |
| C14 | 20.000' | 11.801' | 33°48'29" | 6.078' |
| C15 | 20.000' | 6.565' | 18°48'31" | 5.313' |

## LEGEND

SECTION LINE
PUBLIC UTILITY EASEMENT
CENTER LINE
BOUNDARY LINE
SECTIONAL MONUMENT AS DESCRIBED HEREON
CLASS I MON. TO BE SET PER CITY OF ST. GEORGE STANDARDS
EXISTING CLASS I (RING & LID) MONUMENT FOUND
DSG REBAR AND CAP LS NO. 362255 SET AT ALL REAR PROPERTY CORNERS
CONCRETE ANCHOR TO BE SET IN SIDEWALK ON A 2' EXTENSION OF THE PROPERTY LINE FROM THE FRONT PROPERTY CORNER

DEVELOPMENT SOLUTIONS, INC.

Subdivision Final Plat for

# ASPEN ESTATES - PHASE 1

Located in the Southeast Quarter of Section 10,
Township 43 South, Range 15 West, SLB&M

*SHEET 1 OF 2*

### APPROVAL OF THE PLANNING AND ZONING MANAGER

I, PLANNING AND ZONING MANAGER FOR THE CITY OF ST. GEORGE, HAVE THIS THE ___ DAY OF __________ A.D. 20___, REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND RECOMMENDED THE SAME FOR ACCEPTANCE BY THE CITY OF ST. GEORGE, UT.

______________
PLANNING AND ZONING MANAGER
CITY OF ST. GEORGE

### ENGINEER'S APPROVAL

THE HEREON SUBDIVISION FINAL PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS____ DAY OF __________, A.D. 20____

______________
ENGINEER
CITY OF ST. GEORGE

### APPROVAL AS TO FORM

APPROVED AS TO FORM, THIS THE ____ DAY OF __________, A.D. 20____

______________
CITY ATTORNEY
CITY OF ST. GEORGE

### APPROVAL OF THE PLANNING COMMISSION

ON THIS THE ___ DAY OF __________ A.D. 20___ THE PLANNING COMMISSION OF THE CITY OF ST. GEORGE, HAVING REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE CITY'S PLANNING ORDINANCES, AND BY AUTHORITY OF SAID COMMISSION HEREBY APPROVE SAID SUBDIVISION FOR ACCEPTANCE BY THE CITY OF ST. GEORGE, UT.

______________
CHAIRMAN PLANNING COMMISSION
CITY OF ST. GEORGE

### APPROVAL AND ACCEPTANCE BY THE CITY OF ST. GEORGE, UTAH

WE, THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. GEORGE, UT, HAVE REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND BY AUTHORIZATION OF SAID CITY COUNCIL, RECORD IN THE MINUTES OF ITS MEETING OF THE ___ DAY OF __________ A.D. 20___ HEREBY ACCEPT SAID FINAL PLAT WITH ALL COMMITMENTS AND OBLIGATIONS PERTAINING THERETO.

ATTEST: CITY RECORDER
CITY OF ST. GEORGE

MAYOR
CITY OF ST. GEORGE

### TREASURER APPROVAL

I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS ___ DAY OF __________ A.D. 20___ THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION FINAL PLAT HAVE BEEN PAID IN FULL.

______________
WASHINGTON COUNTY TREASURER

### RECORDED NUMBER

______________
WASHINGTON COUNTY RECORDER

## NOTIFICATION AND CONSENT TO IMACT FEE OBLIGATION:

THE OWNERS AND MORTGAGEES, BY SIGNING THIS PLAT DO HEREBY CONFIRM THAT, NOTWITHSTANDING ANY SUBSEQUENT INSTRUMENT RECORDED WITH RESPECT TO SAID TRACT, THERE SHALL BE WATER AVAILABILITY FEES DUE AND PAYABLE ON THE LOTS WITHIN SAID TRACT UPON THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:

a) THE SALE OF THE LOT TO A THIRD PARTY BY THE OWNER, OR ANY SUCCESSOR IN INTEREST THERETO;

b) THE ISSUANCE OF A BUILDING PERMIT FOR CONSTRUCTION ON THE ANY PORTION OF THE TRACT; OR

c) THREE YEARS FROM THE DATE OF THE RECORDING OF THIS PLAT AS SET FORTH IN A PROMISSORY NOTE AND SECURITY AGREEMENT EXECUTED AND RECORDED WITH THIS SUBDIVISION PLAT.

## ACKNOWLEDGEMENT BY WASHINGTON COUNTY WATER CONSERVANCY DISTRICT:

THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT HEREBY ACKNOWLEDGES THE NOTIFICATION AND CONSENT TO IMPACT FEE OBLIGATIOF ON THIS PLAT.

BARBARA G. HUELLE, ASSISTANT GENERAL MANAGER
WASHINGTON COUNTY WATER CONSERVANCY DISTRICT

STATE OF UTAH
WASHINGTON COUNTY } S.S.

ON THE DAY OF _____, 2015, PERSONALLY APPEARED BEFORE ME, BARBARA G. HUELLE, PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SIGNED THE FOREGOING DOCUMENT AND ACKNOWLEDGED BEFORE ME THAT SHE SIGNED IT VOLUNTARILY FOR ITS STATED PURPOSE.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(NO STAMP REQUIRED PER UTAH CODE,
TITLE 46, CHAPTER 1, SECTION 16)

NOTARY PUBLIC

## OWNER'S ACKNOWLEDGEMENT OF WATER IMPACT FEES:

THE UNDERSIGNED, BRETT BURGESS, PRESIDENT OF DEVELOPMENT SOLUTIONS GROUP, INC., DOES HEREBY ACKNOWLEDGE AND CONSENT TO THE TERMS AND CONDITIONS OF THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT IMPACT FEE OBLIGATION AS STATED HEREON, FOR THE USES AND PURPOSES STATED THEREIN.

DEVELOPMENT SOLUTIONS GROUP, INC.
BY: BRETT BURGESS, PRESIDENT

## CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASHINGTON } S.S.

ON THIS _____ DAY OF _____, 2015, A.D., PERSONALLY APPEARED BEFORE ME, BRETT BURGESS, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT OF DEVELOPMENT SOLUTIONS GROUP, INC., AND THAT HE EXECUTED THE FOREGOING "ACKNOWLEDGEMENT OF WATER IMPACT FEES" ON BEHALF OF A RESOLUTION OF THE BOARD OF DIRECTORS OF DEVELOPMENT SOLUTIONS GROUP, INC. AND HE DID DULY ACKNOWLEDGE TO ME THAT SUCH CORPORATION EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(IF ABOVE INFORMATION IS PROVIDED;
NO STAMP REQUIRED PER UTAH CODE,
TITLE 46, CHAPTER 1, SECTION 16)

NOTARY PUBLIC

## MORTGAGEE CONSENT TO RECORD

WE, STATE BANK OF SOUTHERN UTAH, A UTAH CORPORATION, MORTGAGEE OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY GIVE OUR CONSENT TO THE RECORDING OF THIS PLAT AND THE RECORDING OF THE COVENANTS, CONDITIONS AND RESTRICTIONS DESCRIBED ON THIS PLAT AND JOINS IN ALL DEDICATIONS AND CONVEYANCES.

BY: _____

TITLE: _____

## CORPORATE ACKNOWLEDGMENT (CONSENT)

STATE OF UTAH
COUNTY OF WASHINGTON } S.S

ON THIS ___ DAY OF _____, 20___, PERSONALLY APPEARED BEFORE ME, _____, WHO BEING BY ME DULY SWORN DID SAY THAT (S)HE IS THE _____ OF STATE BANK OF SOUTHERN UTAH, A UTAH CORPORATION, AND THAT (S)HE EXECUTED THE FOREGOING MORTGAGEE'S CONSENT TO RECORD ON BEHALF OF SAID CORPORATION BY AUTHORITY OF RESOLUTION OF ITS BOARD OF DIRECTORS AND (S)HE DID ACKNOWLEDGE TO ME THAT THE CORPORATION EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(IF ABOVE INFORMATION IS PROVIDED,
NO STAMP IS REQUIRED PER UTAH CODE,
TITLE 46, CHAPTER 1, SECTION 16)

NOTARY PUBLIC

## MORTGAGEE'S CONSENT TO OWNER'S CONSENT OF WATER IMPACT FEES

WE, STATE BANK OF SOUTHERN UTAH, A UTAH CORPORATION, MORTGAGEE OF THE HEREIN DESCRIBED TRACT OF LAND, DOES HEREBY CONSENT TO THE OWNER'S CONSENT OF WATER IMPACT FEES FOR THE USES AND PURPOSES STATED THEREIN.

BY: _____

TITLE: _____

## CORPORATE ACKNOWLEDGMENT (WATER IMPACT FEES)

STATE OF UTAH
COUNTY OF WASHINGTON } S.S

ON THIS ___ DAY OF _____, 20___, PERSONALLY APPEARED BEFORE ME, _____, WHO BEING BY ME DULY SWORN DID SAY THAT (S)HE IS THE _____ OF STATE BANK OF SOUTHERN UTAH, A UTAH CORPORATION AND THAT (S)HE EXECUTED THE FOREGOING MORTGAGEE'S CONSENT TO OWNER'S CONSENT OF WATER IMPACT FEES ON BEHALF OF SAID CORPORATION BY AUTHORITY OF RESOLUTION OF ITS BOARD OF DIRECTORS AND (S)HE DID ACKNOWLEDGE TO ME THAT THE CORPORATION EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(IF ABOVE INFORMATION IS PROVIDED,
NO STAMP IS REQUIRED PER UTAH CODE,
TITLE 46, CHAPTER 1, SECTION 16)

NOTARY PUBLIC

DEVELOPMENT SOLUTIONS, INC.
CIVIL ENGINEERING, LAND SURVEYING, LAND PLANNING
154 East 200 North Suite #2, St. George, UT 84770
Office (435) 628-2121 • Fax (435) 628-2555
www.dsengineeringsolutions.com

Subdivision Final Plat for

# ASPEN ESTATES - PHASE 1

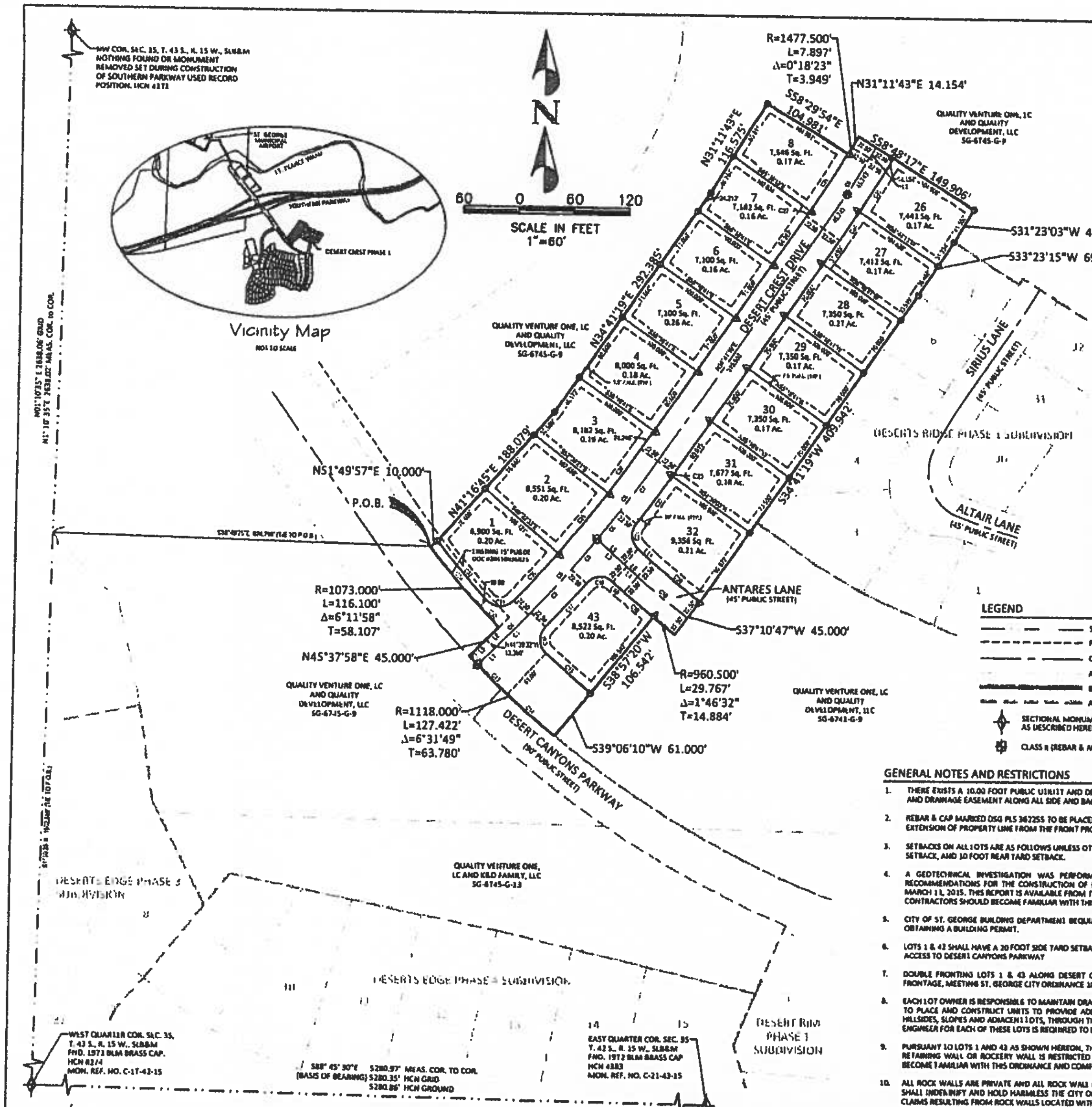
Located in the Southeast Quarter of Section 10,
Township 43 South, Range 15 West, SLB&M

# PCR ITEM 1B
## Final Plat

PLANNING COMMISSION AGENDA REPORT: **07/28/2015**
CITY COUNCIL MEETING: **08/06/2015**

FINAL PLAT
**Desert Crest Phase 1**
Case No. 2015-FP-036

| | |
|---|---|
| **Request:** | Approval of a 16 Lot Residential Subdivision Final Plat |
| **Representative:** | Brad Petersen, Development Solutions<br>120 East St. George Blvd, Suite #300<br>St. George, UT 84770 |
| **Property:** | Located at approximately 5980 South Desert Canyons Parkway |
| **Zone:** | PD-R |
| **Staff Comments:** | All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat conditions and approvals. |
| **P.C.:** | The Planning Commission recommends approval. |




| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | LENGTH |
| L1 | N45°20'28"E | 25.557' |
| L2 | N31°11'43"E | 14.154' |
| L3 | S48°29'27"E | 43.803' |
| L4 | S48°29'27"E | 16.470' |
| L5 | S48°29'27"E | 40.067' |
| L6 | S48°29'27"E | 20.208' |
| L8 | N45°37'58"E | 19.430' |
| L9 | N45°37'58"E | 25.570' |
| L10 | N48°29'27"W | 16.470' |
| L11 | N48°29'27"W | 20.208' |

| CURVE TABLE | | | | |
|---|---|---|---|---|
| CURVE | RADIUS | LENGTH | DELTA | TANGENT |
| C1 | 1450.000' | 54.988' | 2°10'22" | 21.497' |
| C2 | 1450.000' | 64.341' | 2°32'33" | 32.176' |
| C3 | 1450.000' | 41.177' | 1°42'22" | 21.590' |
| C4 | 1450.000' | 51.543' | 2°02'12" | 25.774' |
| C5 | 1450.000' | 110.962' | 4°23'05" | 55.508' |
| C6 | 1450.000' | 39.494' | 1°33'38" | 19.748' |
| C7 | 1450.000' | 67.580' | 2°40'13" | 33.796' |
| C8 | 1450.000' | 107.073' | 4°13'51" | 53.561' |
| C9 | 1500.000' | 91.457' | 3°29'36" | 45.743' |
| C10 | 938.000' | 70.877' | 4°19'46" | 35.456' |
| C12 | 1118.000' | 13.521' | 0°41'35" | 6.760' |
| C13 | 1118.000' | 45.294' | 2°19'16" | 22.650' |
| C14 | 1218.000' | 68.607' | 3°30'58" | 34.314' |
| C15 | 1057.000' | 64.864' | 3°30'58" | 32.442' |
| C16 | 20.000' | 31.608' | 90°32'58" | 20.193' |
| C17 | 1472.500' | 65.340' | 2°32'33" | 32.675' |
| C18 | 20.000' | 31.724' | 90°53'01" | 20.311' |
| C19 | 960.500' | 42.411' | 2°33'24" | 21.409' |
| C20 | 915.500' | 69.177' | 4°19'46" | 34.605' |
| C21 | 20.000' | 29.967' | 85°50'58" | 18.602' |
| C22 | 1472.500' | 64.968' | 2°31'41" | 32.489' |
| C23 | 1472.500' | 3.661' | 0°08'33" | 1.830' |
| C24 | 1522.500' | 37.885' | 1°25'33" | 18.944' |
| C25 | 1522.500' | 54.944' | 2°04'04" | 27.475' |
| C26 | 1477.500' | 75.064' | 2°54'39" | 37.540' |
| C27 | 1477.500' | 7.124' | 0°16'35" | 3.562' |
| C28 | 1427.500' | 58.470' | 2°23'15" | 29.740' |
| C29 | 1427.500' | 84.610' | 3°23'46" | 42.317' |
| C30 | 1247.833' | 70.514' | 3°14'26" | 35.297' |
| C31 | 20.000' | 32.808' | 93°59'27" | 21.444' |
| C32 | 1073.000' | 30.453' | 1°37'34" | 15.228' |
| C33 | 1063.000' | 84.181' | 4°32'14" | 42.112' |
| C34 | 1073.000' | 84.973' | 4°32'14" | 42.509' |

## LEGEND

- SECTION LINE
- PUBLIC UTILITY EASEMENT (P.U.E.)
- CENTER LINE
- ADJOINING LOT LINE
- BOUNDARY LINE
- ADJOINING SUBDIVISION BOUNDARY
- SECTIONAL MONUMENT AS DESCRIBED HEREON.
- CLASS II (REBAR & ALUM. CAP) MONUMENT SET
- EXISTING CLASS II MONUMENT FOUND
- CLASS I MON. TO BE SET PER CITY OF ST. GEORGE STANDARDS
- EXISTING CLASS I (RING & LID) MONUMENT FOUND
- DSG REBAR AND CAP LS NO. 362255 SET AT ALL REAR PROPERTY CORNERS
- CONCRETE ANCHOR TO BE SET IN SIDEWALK ON A 2' EXTENSION OF THE PROPERTY LINE FROM THE THE FRONT PROPERTY CORNER

## SURVEYOR'S CERTIFICATE:

I, D. BRADFORD PETERSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 362251, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE VERIFIED ALL MEASUREMENTS, HAVE PLACED MONUMENTS AS SHOWN IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, PUBLIC STREETS, AND EASEMENTS HEREAFTER KNOWN AS:

**DESERT CREST - PHASE 1**

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THE LOTS SHOWN ON THIS PLAT MEET THE CURRENT ZONING ORDINANCE.

DATE: ____________

## LEGAL DESCRIPTION:

BEGINNING AT A POINT ON THE NORTHEASTERLY BOUNDARY LINE OF THE DESERT CANYONS PARKWAY EXTENSION NO. 1 ROADWAY DEDICATION AS RECORDED AND ON FILE WITH THE WASHINGTON COUNTY RECORDER'S OFFICE, SAID POINT BEING NORTH 01°20'35" EAST ALONG THE SECTION LINE, A DISTANCE OF 1862.640 FEET AND SOUTH 88°49'25" EAST 618.796 FEET FROM THE WEST ONE-QUARTER CORNER OF SECTION 35, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE & MERIDIAN, (BASIS OF BEARING BEING SOUTH 88°45'30" EAST ALONG THE CENTER SECTION LINE BETWEEN THE WEST ONE-QUARTER CORNER AND THE EAST ONE-QUARTER CORNER OF SAID SECTION 35), AND RUNNING THENCE NORTH 51°49'57" EAST 10.000 FEET; THENCE NORTH 41°16'45" EAST 188.079 FEET; THENCE NORTH 34°41'19" EAST 292.385 FEET; THENCE NORTH 31°11'43" EAST 116.575 FEET; THENCE SOUTH 58°29'54" EAST 104.981 FEET TO A POINT ON THE ARC OF A 1477.500 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, (RADIUS POINT BEARS NORTH 58°29'54" WEST); THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 0°18'23", A DISTANCE OF 7.897 FEET; THENCE NORTH 31°11'43" EAST 14.154 FEET; THENCE SOUTH 58°48'17" EAST 149.906 FEET; THENCE SOUTH 31°23'03" WEST 41.550 FEET; THENCE SOUTH 33°23'15" WEST 69.802 FEET; THENCE SOUTH 34°41'19" WEST 409.942 FEET; THENCE SOUTH 37°10'47" WEST 45.000 FEET TO A POINT ON THE ARC OF A 960.500 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (RADIUS POINT BEARS NORTH 37°10'47" EAST); THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°46'32", A DISTANCE OF 29.767 FEET; THENCE SOUTH 38°57'20" WEST 106.542 FEET; THENCE SOUTH 39°06'10" WEST 61.000 FEET TO A POINT ON THE ARC OF AN 1118.000 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS POINT BEARS NORTH 39°06'10" EAST), SAID POINT ALSO BEING ON AN EXTENSION OF THE NORTHEASTERLY BOUNDARY LINE OF SAID DESERT CANYONS PARKWAY NO. 1; THENCE ALONG SAID BOUNDARY LINE AND LINE EXTENDED THE FOLLOWING (3) THREE COURSES: (1) RUNNING NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND BOUNDARY LINE AND LINE EXTENDED, THROUGH A CENTRAL ANGLE OF 6°31'49", A DISTANCE OF 127.422 FEET; (2) NORTH 45°37'58" EAST 45.000 FEET TO A POINT ON THE ARC OF A 1073.000 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, (RADIUS POINT BEARS NORTH 45°37'58" EAST); AND (3) RUNNING NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 6°11'58", A DISTANCE OF 116.100 FEET TO THE POINT OF BEGINNING.

CONTAINS: 168,198 SQ. FT., (3.863 ACRES)

## OWNER'S DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF ALL THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS HEREAFTER KNOWN AS:

**DESERT CREST - PHASE 1**

FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, THE UNDERSIGNED OWNERS DO HEREBY DEDICATE AND CONVEY TO THE CITY OF ST. GEORGE FOR PERPETUAL USE OF THE PUBLIC, ALL PARCELS OF LAND SHOWN ON THIS PLAT AS PUBLIC STREETS AND EASEMENTS. ALL LOTS, PUBLIC STREETS, AND EASEMENTS ARE AS NOTED OR SHOWN. THE OWNERS DO HEREBY WARRANT TO THE CITY OF ST. GEORGE IT'S SUCCESSORS AND ASSIGNS, TITLE TO ALL PROPERTY DEDICATED AND CONVEYED TO PUBLIC USE HEREIN AGAINST THE CLAIMS OF ALL PERSONS. LOTS SHOWN ON THIS PLAT ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, OF THE DESERT CREST SUBDIVISION, RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER ON THE _____ DAY OF ______________, 2011, ENTRY NO. ______________ SAID DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ARE HEREBY INCORPORATED AND MADE PART OF THIS PLAT.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ___ DAY OF ______________, 20___.

____________________
SALISBURY DEVELOPERS, INC.
BY: RICK SALISBURY, PRESIDENT

## CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASHINGTON } S.S.

ON THE _______ DAY OF ______________, 20_____ PERSONALLY APPEARED BEFORE ME, RICK SALISBURY, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT OF SALISBURY DEVELOPERS, INC., A UTAH CORPORATION, AND THAT THE FOREGOING OWNER'S DEDICATION WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BY-LAWS (OR BY A RESOLUTION OF ITS BOARD OF DIRECTORS), AND HE DID DULY ACKNOWLEDGE TO ME THAT SUCH CORPORATION EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: ______________
COMMISSION NUMBER: ______________
MY COMMISSION EXPIRES: ______________
A NOTARY PUBLIC COMMISSIONED IN UTAH
(NO STAMP REQUIRED PER UTAH CODE, TITLE 46, CHAPTER 1, SECTION 14)

____________________
NOTARY PUBLIC

## GENERAL NOTES AND RESTRICTIONS

1. THERE EXISTS A 10.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL STREET SIDE PROPERTY LINES AND A 7.50 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL SIDE AND BACK LOT LINES UNLESS OTHERWISE NOTED.
2. REBAR & CAP MARKED DSG PLS 362255 TO BE PLACED AT REAR LOT CORNER LOCATIONS. CONCRETE ANCHOR TO BE PLACED IN THE SIDEWALK AT A 2' EXTENSION OF PROPERTY LINE FROM THE FRONT PROPERTY CORNER LOCATION (SEE LEGEND FOR PLACEMENT OF FRONT PROPERTY CORNERS).
3. SETBACKS ON ALL LOTS ARE AS FOLLOWS UNLESS OTHERWISE NOTED: 25 FOOT FRONT YARD SETBACK (STREET SIDE), 4 FOOT AND 10 FOOT SIDE YARD SETBACK, AND 10 FOOT REAR YARD SETBACK.
4. A GEOTECHNICAL INVESTIGATION WAS PERFORMED BY AGEC INC., PROJECT NO. 21041018 THE INVESTIGATION RESULTS AND SPECIFIC RECOMMENDATIONS FOR THE CONSTRUCTION OF FOUNDATIONS, FLOOR SLABS, AND EXTERIOR FLATWORK ARE COMPILED BY A REPORT DATED MARCH 11, 2015. THIS REPORT IS AVAILABLE FROM THE DEVELOPER AND A COPY IS ON FILE WITH THE CITY OF ST. GEORGE. OWNERS, BUILDERS, AND CONTRACTORS SHOULD BECOME FAMILIAR WITH THIS REPORT AND COMPLY WITH ITS RECOMMENDATIONS.
5. CITY OF ST. GEORGE BUILDING DEPARTMENT REQUIRES ALL RESIDENTIAL SUBDIVISION LOT CORNERS TO BE SET WITH A REBAR AND CAP PRIOR TO OBTAINING A BUILDING PERMIT.
6. LOTS 1 & 42 SHALL HAVE A 20 FOOT SIDE YARD SETBACK ALONG DESERT CANYONS PARKWAY. IN ADDITION, THESE LOTS SHALL NOT HAVE VEHICULAR ACCESS TO DESERT CANYONS PARKWAY
7. DOUBLE FRONTING LOTS 1 & 43 ALONG DESERT CANYONS PARKWAY, REQUIRE 6' HIGH PRIVACY WALLS PLACED IN A LOCATION ALONG LOT FRONTAGE, MEETING ST. GEORGE CITY ORDINANCE 10-18-5.
8. EACH LOT OWNER IS RESPONSIBLE TO MAINTAIN DRAINAGE AWAY FROM ADJACENT PROPERTY. OWNERS AND BUILDERS SHOULD TAKE SPECIAL CARE TO PLACE AND CONSTRUCT UNITS TO PROVIDE ADEQUATE DRAINAGE AWAY FROM EACH HOUSE AND CONVEY EXCESS DRAINAGE AWAY FROM HILLSIDES, SLOPES AND ADJACENT LOTS, THROUGH THEIR LOT TO THE STREET. A SITE GRADING AND DRAINAGE PLAN PREPARED BY A PROFESSIONAL ENGINEER FOR EACH OF THESE LOTS IS REQUIRED TO BE SUBMITTED WITH EACH BUILDING PERMIT.
9. PURSUANT TO LOTS 1 AND 43 AS SHOWN HEREON, THE HEIGHT OF ANY RETAINING WALL, OR HEIGHT OF ANY COMBINATION OF FENCE ON TOP OF A RETAINING WALL OR ROCKERY WALL IS RESTRICTED BY ST. GEORGE CITY ORDINANCE 10-18-4. OWNERS, BUILDERS, AND CONTRACTORS SHOULD BECOME FAMILIAR WITH THIS ORDINANCE AND COMPLY WITH SUCH.
10. ALL ROCK WALLS ARE PRIVATE AND ALL ROCK WALL REPAIR AND MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER. SAID OWNER SHALL INDEMNIFY AND HOLD HARMLESS THE CITY OF ST. GEORGE, ITS OFFICERS, BOARDS, EMPLOYEES, AGENTS AND ASSIGN, FROM ANY AND ALL CLAIMS RESULTING FROM ROCK WALLS LOCATED WITHIN THIS SUBDIVISION.

Subdivision Final Plat for

# DESERT CREST - PHASE 1

Located in the Northwest Quarter of Section 35,
Township 43 South, Range 15 West, SLB&M

DEVELOPMENT SOLUTIONS, INC.

SHEET 1 OF 2

### APPROVAL OF THE PLANNING AND ZONING MANAGER

I, PLANNING AND ZONING MANAGER FOR THE CITY OF ST. GEORGE, HAVE THIS THE ____ DAY OF ________ A.D. 20____, REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND RECOMMENDED THE SAME FOR ACCEPTANCE BY THE CITY OF ST. GEORGE, UT

____________________
PLANNING AND ZONING MANAGER
CITY OF ST. GEORGE

### ENGINEER'S APPROVAL

THE HEREON SUBDIVISION FINAL PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE BY THIS OFFICE THIS ____ DAY OF ____________ A.D. 20____

____________________
ENGINEER
CITY OF ST. GEORGE

### APPROVAL AS TO FORM

APPROVED AS TO FORM, THIS THE ____ DAY OF ____________ A.D. 20____

____________________
CITY ATTORNEY
CITY OF ST. GEORGE

### APPROVAL OF THE PLANNING COMMISSION

ON THIS THE ____ DAY OF ____________ A.D. 20____ THE PLANNING COMMISSION OF THE CITY OF ST. GEORGE, HAVING REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE CITY'S PLANNING ORDINANCES, AND BY AUTHORITY OF SAID COMMISSION HEREBY APPROVE SAID SUBDIVISION FOR ACCEPTANCE BY THE CITY OF ST. GEORGE, UT.

____________________
CHAIRMAN PLANNING COMMISSION
CITY OF ST. GEORGE

### APPROVAL AND ACCEPTANCE BY THE CITY OF ST. GEORGE, UTAH

WE, THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. GEORGE, UT, HAVE REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND BY AUTHORIZATION OF SAID CITY COUNCIL, RECORD IN THE MINUTES OF ITS MEETING OF THE ____ DAY OF ____________ A.D. 20____ HEREBY ACCEPT SAID FINAL PLAT WITH ALL COMMITMENTS AND OBLIGATIONS PERTAINING THERETO

____________________
ATTEST: CITY RECORDER
CITY OF ST. GEORGE

____________________
MAYOR
CITY OF ST. GEORGE

### TREASURER APPROVAL

I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS ____ DAY OF ____________ A.D. 20__ THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION FINAL PLAT HAVE BEEN PAID IN FULL.

____________________
WASHINGTON COUNTY TREASURER

### RECORDED NUMBER

____________________
WASHINGTON COUNTY RECORDER

## NOTIFICATION AND CONSENT TO IMPACT FEE OBLIGATION:

THE OWNERS AND MORTGAGEES, BY SIGNING THIS PLAT DO HEREBY CONFIRM THAT, NOTWITHSTANDING ANY SUBSEQUENT INSTRUMENT RECORDED WITH RESPECT TO SAID TRACT, THERE SHALL BE WATER AVAILABILITY FEES DUE AND PAYABLE ON THE LOTS WITHIN SAID TRACT UPON THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:

a) THE SALE OF THE LOT TO A THIRD PARTY BY THE OWNER, OR ANY SUCCESSOR IN INTEREST THERETO;
b) THE ISSUANCE OF A BUILDING PERMIT FOR CONSTRUCTION ON THE ANY PORTION OF THE TRACT; OR
c) THREE YEARS FROM THE DATE OF THE RECORDING OF THIS PLAT AS SET FORTH IN A PROMISSORY NOTE AND SECURITY AGREEMENT EXECUTED AND RECORDED WITH THIS SUBDIVISION PLAT.

## ACKNOWLEDGEMENT BY WASHINGTON COUNTY WATER CONSERVANCY DISTRICT:

THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT HEREBY ACKNOWLEDGES THE NOTIFICATION AND CONSENT TO IMPACT FEE OBLIGATION ON THIS PLAT.

BARBARA G. HUELLE, ASSISTANT GENERAL MANAGER
WASHINGTON COUNTY WATER CONSERVANCY DISTRICT

STATE OF UTAH
WASHINGTON COUNTY } S.S.

ON THE ____DAY OF _____, 2015, PERSONALLY APPEARED BEFORE ME, BARBARA G. HUELLE, PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SIGNED THE FOREGOING DOCUMENT AND ACKNOWLEDGED BEFORE ME THAT SHE SIGNED IT VOLUNTARILY FOR ITS STATED PURPOSE.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(NO STAMP REQUIRED PER UTAH CODE,
TITLE 46, CHAPTER 1, SECTION 16)

_____
NOTARY PUBLIC

## OWNER'S ACKNOWLEDGEMENT OF WATER IMPACT FEES:

THE UNDERSIGNED, RICK SALISBURY, PRESIDENT OF SALISBURY DEVELOPERS, INC., DOES HEREBY ACKNOWLEDGE AND CONSENT TO THE TERMS AND CONDITIONS OF THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT IMPACT FEE OBLIGATION AS STATED HEREON, FOR THE USES AND PURPOSES STATED THEREIN.

_____
SALISBURY DEVELOPERS, INC.
BY: RICK SALISBURY, PRESIDENT

## CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASHINGTON } S.S.

ON THE _____DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, RICK SALISBURY, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT OF SALISBURY DEVELOPERS, INC., A UTAH CORPORATION, AND THAT THE FOREGOING OWNER'S OWNER'S ACKNOWLEDGEMENT OF WATER IMPACT FEES WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BY-LAWS (OR BY A RESOLUTION OF ITS BOARD OF DIRECTORS), AND HE DID DULY ACKNOWLEDGE TO ME THAT SUCH CORPORATION EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(NO STAMP REQUIRED PER UTAH CODE,
TITLE 46, CHAPTER 1, SECTION 16)

_____
NOTARY PUBLIC

## MORTGAGEE CONSENT TO RECORD

WE, STATE BANK OF SOUTHERN UTAH, MORTGAGEE OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY GIVE OUR CONSENT OF SAID TRACT OF LAND TO BE USED FOR THE USES AND PURPOSES DESCRIBED ON THIS PLAT AND JOINS IN ALL DEDICATIONS.

BY: _____

TITLE: _____

## CORPORATE ACKNOWLEDGMENT (CONSENT)

STATE OF UTAH
COUNTY OF WASHINGTON } S.S.

ON THIS____DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME_____ WHO BEING BY ME DULY SWORN DID SAY THAT (S)HE IS THE _____ OF STATE BANK OF SOUTHERN UTAH AND THAT (S)HE EXECUTED THE FOREGOING MORTGAGEE'S CONSENT TO RECORD ON BEHALF OF SAID CORPORATION BY AUTHORITY OF RESOLUTION OF ITS BOARD OF DIRECTORS AND (S)HE DID ACKNOWLEDGE TO ME THAT THE CORPORATION EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
IF ABOVE INFORMATION IS PROVIDED,
NO STAMP IS REQUIRED PER UTAH CODE,
TITLE 46, CHAPTER 1, SECTION 16)

_____
NOTARY PUBLIC

## MORTGAGEE'S CONSENT TO OWNER'S CONSENT OF WATER IMPACT FEES

WE, STATE BANK OF SOUTHERN UTAH, MORTGAGEE OF THE HEREIN DESCRIBED TRACT OF LAND, DOES HEREBY CONSENT TO THE OWNER'S CONSENT OF WATER IMPACT FEES FOR THE USES AND PURPOSES STATED THEREIN.

BY: _____

TITLE: _____

## CORPORATE ACKNOWLEDGMENT (WATER IMPACT FEES)

STATE OF UTAH
COUNTY OF WASHINGTON } S.S.

ON THIS____DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME_____ WHO BEING BY ME DULY SWORN DID SAY THAT (S)HE IS THE _____ OF STATE BANK OF SOUTHERN UTAH AND THAT (S)HE EXECUTED THE FOREGOING MORTGAGEE'S CONSENT TO OWNER'S CONSENT OF WATER IMPACT FEES ON BEHALF OF SAID CORPORATION BY AUTHORITY OF RESOLUTION OF ITS BOARD OF DIRECTORS AND (S)HE DID ACKNOWLEDGE TO ME THAT THE CORPORATION EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
OF ABOVE INFORMATION IS PROVIDED,
NO STAMP IS REQUIRED PER UTAH CODE,
TITLE 46, CHAPTER 1, SECTION 16)

_____
NOTARY PUBLIC

DEVELOPMENT SOLUTIONS, INC.
C.A.D. DATA-ENTRY, LAND SURVEYING, LAND PLANNING
110 East 200 North Suite #2, St. George, UT 84770
Office (435) 628-2123 - Fax (435) 674-0354
www.developmentsolutions.us

Subdivision Final Plat for

# DESERT CREST - PHASE 1

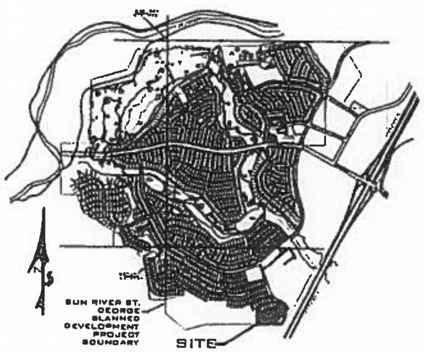
Located in the Northwest Quarter of Section 35, Township 43 South, Range 1S West, SLB&M

# PCR ITEM 1C
## Final Plat

PLANNING COMMISSION AGENDA REPORT: **07/28/2015**
CITY COUNCIL MEETING: **08/06/2015**

FINAL PLAT
**Sun River St. George Phase 40**
Case No. 2014-FP-003

| | |
|---|---|
| **Request:** | Approval of a 19 Lot Residential Subdivision Final Plat |
| **Representative:** | Brandon Anderson, Rosenberg Associates<br>352 E. Riverside Drive #A2<br>St. George, UT 84790 |
| **Property:** | Located at Grapevine Drive and Pearl Vista Drive (at approximately 1360 West and 5210 South) |
| **Zone:** | PD-R |
| **Staff Comments:** | All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat conditions and approvals. |
| **P.C.:** | The Planning Commission recommends approval. |




## VICINITY MAP
SUN RIVER, ST. GEORGE (NO SCALE)

## OWNER'S DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF ALL THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO PUBLIC STREETS, PRIVATE PADS, COMMON AND LIMITED COMMON AREAS (INCLUDING PRIVATE ROADS), TO BE HEREAFTER KNOWN AS:

"SUN RIVER ST. GEORGE, PHASE 40"

DO HEREBY DEDICATE TO THE COMMON USE OF THE PROPERTY OWNERS, BUT NOT TO THE USE OF THE GENERAL PUBLIC, ALL COMMON AND LIMITED COMMON AREAS (INCLUDING PRIVATE ROADS) SHOWN ON THIS PLAT, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF DEDICATION OF SAID COMMON AND LIMITED COMMON AREAS AS MORE FULLY PROVIDED IN THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" APPLICABLE TO ENTRY NO. 594546, BOOK 644, PAGE 0356-0363, DATED MARCH 10, 1996 AND RECORDED CONCURRENTLY WITH THE PLAT OF "SUN RIVER, PHASE 1, PLAT 1A", AMENDMENT TO SAID COVENANTS, CONDITIONS AND RESTRICTIONS APPLICABLE TO ENTRY NO. 00658671, BOOK 1637, PAGE 1654-1660 DATED MAY 6, 2000, AND AS SUPPLEMENTED BY SUPPLEMENTAL CC & RS RECORDED CONCURRENTLY WITH THIS PLAT, INCORPORATED AND MADE PART OF THIS PLAT. REFERENCE IS MADE TO SAID DECLARATION FOR DETAILS CONCERNING THE RIGHT AND OBLIGATIONS OF PARTIES HAVING OR ACQUIRING AN INTEREST IN THIS DEVELOPMENT. FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, THE UNDERSIGNED OWNERS HEREBY DEDICATE AND CONVEY TO THE CITY OF ST. GEORGE, FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS PUBLIC STREETS (PEARL VISTA DRIVE) AND EASEMENTS OVER, ON, UNDER AND ACROSS ALL COMMON AND LIMITED COMMON AREAS AND PRIVATE ROADWAYS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE. THE UNDERSIGNED OWNERS DO HEREBY WARRANT TO THE CITY OF ST. GEORGE AND ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE ALL DEDICATIONS & EASEMENTS GRANTED HEREIN AGAINST THE CLAIMS OF ALL PERSONS.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS ______ DAY OF ________ 20__.

SUN RIVER ST. GEORGE DEVELOPMENT, L.C.
A UTAH LIMITED LIABILITY COMPANY

______________________
MANAGER - DARCY A. STEWART

## LIMITED LIABILITY COMPANY ACKNOWLEDGMENT:

STATE OF UTAH
COUNTY OF WASHINGTON } S.S.

ON THE ______ DAY OF ______ 20__, PERSONALLY APPEARED BEFORE ME DARCY A. STEWART, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE MANAGER OF SUN RIVER ST. GEORGE DEVELOPMENT, L.C., A UTAH LIMITED LIABILITY COMPANY AND THAT HE EXECUTED THE FOREGOING OWNER'S DEDICATION IN BEHALF OF SAID LIMITED LIABILITY COMPANY BEING AUTHORIZED AND EMPOWERED TO DO SO BY THE OPERATING AGREEMENT OF SUN RIVER ST. GEORGE DEVELOPMENT, L.C., AND HE DID DULY ACKNOWLEDGE TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME FOR THE USES AND PURPOSES STATED HEREIN.

FULL NAME SIGNATURE: ______________
FULL NAME PRINT: ______________
COMMISSION NO.: ______________
EXPIRATION DATE: ______________
A NOTARY PUBLIC COMMISSIONED IN THE STATE OF ______________

(STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)

## MORTGAGEE CONSENT TO RECORD:

J. SCOTT LEWIS & ASSOCIATES, INC., A MORTGAGEE OF THE ABOVE TRACT OF LAND DOES HEREBY GIVE CONSENT OF SAID TRACT OF LAND TO BE USED FOR THE USES AND PURPOSES DESCRIBED IN THE PLAT, TO ACCORDING PLAT, RECORDING OF COVENANTS, CONDITIONS AND RESTRICTIONS AND JOINS IN ALL DEDICATIONS.

______________________
J. SCOTT LEWIS - PRESIDENT

## CORPORATION ACKNOWLEDGMENT:

STATE OF UTAH
COUNTY OF WASHINGTON } S.S.

ON THE ______ DAY OF ______, 20__, PERSONALLY APPEARED BEFORE ME J. SCOTT LEWIS, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE PRESIDENT OF J. SCOTT LEWIS & ASSOCIATES, INC., A UTAH CORPORATION, AND THAT HE EXECUTED THE FOREGOING MORTGAGEE CONSENT ON BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF ITS BOARD OF DIRECTORS AND HE DID ACKNOWLEDGE TO ME THAT THE CORPORATION EXECUTED THE SAME FOR THE PURPOSES STATED THEREIN.

FULL NAME SIGNATURE: ______________
FULL NAME PRINT: ______________
COMMISSION NO.: ______________
EXPIRATION DATE: ______________
A NOTARY PUBLIC COMMISSIONED IN THE STATE OF ______________

(STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)

## GENERAL NOTES AND RESTRICTIONS:

1. THIS SUBDIVISION CONTAINS PRIVATE STREETS AS LABELED. PRIVATE STREETS ARE NOT OWNED, MAINTAINED, OR REPAIRED BY THE CITY OF ST. GEORGE. THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL PRIVATE STREETS WITHIN THIS SUBDIVISION.

2. ALL DRAINAGE IMPROVEMENTS WITHIN THIS SUBDIVISION ARE PRIVATE AND ARE NOT OWNED, MAINTAINED, OR REPAIRED BY THE CITY OF ST. GEORGE. THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL DRAINAGE IMPROVEMENTS WITHIN THIS SUBDIVISION UNLESS OTHERWISE APPROVED AND ACCEPTED BY THE CITY OF ST. GEORGE AS PUBLIC.

3. ALL POWER, SEWER AND WATER IMPROVEMENTS ARE PUBLIC AND MAINTAINED BY THE DIXIE POWER AND THE CITY OF ST. GEORGE, RESPECTIVELY, UP TO AND INCLUDING THE METERS. ALL FIRE HYDRANTS AND THEIR APPURTENANCES WITHIN THIS SUBDIVISION ARE PUBLIC AND ARE MAINTAINED BY THE CITY OF ST. GEORGE. FIRE LINES TO BUILDINGS ARE PRIVATE AND SHALL BE MAINTAINED BY THE ASSOCIATION.

4. THE ASSOCIATION SHALL BE RESPONSIBLE FOR REPAIRING, RESTORING, OR REPLACING PRIVATE STREETS, LANDSCAPING, OR OTHER PRIVATE IMPROVEMENTS CONTAINED WITHIN THIS SUBDIVISION RESULTING FROM DAMAGE OR DISRUPTION CAUSED BY THE DIXIE POWER AND/OR THE CITY OF ST. GEORGE IN INSTALLING, MAINTAINING, REPAIRING, OR REPLACING PUBLIC POWER, WATER, SEWER, AND DRAINAGE IMPROVEMENTS.

5. IN ADDITION TO ANNUAL, USUAL, AND SPECIAL ASSESSMENTS FOR MAINTENANCE OF COMMON NON-PUBLIC IMPROVEMENTS CONTAINED WITHIN THIS SUBDIVISION, THE ASSOCIATION SHALL LEVY SUCH ASSESSMENTS AS MAY BE NECESSARY FROM TIME TO TIME TO REPAIR, RESTORE, OR REPLACE PRIVATE STREETS, LANDSCAPING, OR OTHER PRIVATE IMPROVEMENTS CONTAINED WITHIN THIS SUBDIVISION RESULTING FROM DAMAGE OR DISRUPTION CAUSED BY THE DIXIE POWER AND/OR THE CITY OF ST. GEORGE IN INSTALLING, MAINTAINING, REPAIRING, OR REPLACING POWER, WATER, SEWER, AND DRAINAGE IMPROVEMENTS.

6. BY RECORDING THIS SUBDIVISION PLAT, EASEMENTS ARE HEREBY GRANTED WITHIN ALL COMMON AND LIMITED COMMON AREAS WITHIN THIS SUBDIVISION FOR INSTALLATION, ACCESS, MAINTENANCE, AND REPAIR OF ALL UTILITIES INCLUDING NATURAL GAS, CABLE TV, TELEPHONE, WATER AND POWER, AND FOR SEWER AND DRAINAGE IMPROVEMENTS.

7. ALL ROCK WALLS ARE PRIVATE AND ALL ROCK WALL REPAIR AND MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION. SAID HOME OWNERS ASSOCIATION SHALL INDEMNIFY AND HOLD HARMLESS THE CITY OF ST. GEORGE, IT'S OFFICERS, BOARDS, EMPLOYEES, AGENTS AND ASSIGNS, FROM ANY CLAIMS RESULTING FROM ROCK WALLS LOCATED WITHIN THIS SUBDIVISION.

8. THE BASIS OF BEARINGS IS THE SOUTH LINE OF SECTION 35, T43S, R16W, S.L.B. & M., FROM THE BRASS CAP AT THE SOUTH QUARTER CORNER OF SECTION 35, TO THE SOUTHEAST CORNER OF SECTION 35, ALSO A BRASS CAP. THE BEARING IS SOUTH 88°30'45" EAST AND MEASURES 2645.70 FEET (GRID DISTANCE) CORNER TO CORNER, AS SHOWN ON THE CITY OF ST. GEORGE HORIZONTAL CONTROL NETWORK (HCN) MAPPING.

9. MINIMUM BUILDING SETBACK REQUIREMENTS ARE INCORPORATED INTO THE PAD LAYOUT AS SHOWN. ALL STRUCTURES SHALL BE BUILT ENTIRELY WITHIN THEIR RESPECTIVE PAD. GARAGE VEHICLE ENTRANCE MINIMUM SETBACK IS MEASURED 20 FEET FROM THE TOP BACK OF SIDEWALK OR THE TOP BACK OF CURB IF NO SIDEWALK EXISTS (BUT ALWAYS WITHIN THEIR RESPECTIVE PAD).

10. ALL COMMON AND LIMITED COMMON AREAS AND PRIVATE DRIVES SHOWN ON THIS PLAT ARE SUBJECT TO PUBLIC UTILITIES AND DRAINAGE EASEMENTS FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS AND SUCH EASEMENTS SHALL BE SUBJECT TO THE RIGHT OF THE CITY OF ST. GEORGE TO REQUIRE THE HOMEOWNER'S ASSOCIATION TO ACCESS ITS MEMBERS TO REPAIR STREETS, LANDSCAPING, ETC., WHERE NEEDED TO REPAIR OR REPLACE THE PUBLIC UTILITIES (SEE DECLARATION).

11. NO SIDEYARD PRIVACY WALLS SHALL BE CONSTRUCTED BETWEEN PADS SEPARATED BY LESS THAN 14 FEET PER CITY ORDINANCE.

12. THE CITY OF ST. GEORGE REQUIRES PRIVATE PROPERTY CORNERS TO BE MONUMENTED PRIOR TO ISSUING A BUILDING PERMIT.

13. INTERIOR PHASE BOUNDARIES PROVIDE A 10' MIN. COMMON AREA SEPARATION BETWEEN PRIVATE AREAS/PADS AS REQUIRED BY ST. GEORGE CITY CODE. THAT WHEN THE ADJACENT PHASING PROCEEDS, THE PRIVATE AREAS/PADS IN THE PHASE ADJACENT TO THE PREVIOUS PHASE BOUNDARY WILL BE PLATTED DIRECTLY ALONG THE PHASE BOUNDARY, MAINTAINING THE MINIMUM PRIVATE AREA SEPARATION OF 10'.

14. ALL DWELLING UNITS SHALL BE SINGLE STORY.

## GEOTECHNICAL INVESTIGATION:

A GEOTECHNICAL INVESTIGATION WAS PERFORMED BY LANDMARK TESTING & ENGINEERING. THE INVESTIGATION RESULTS AND SPECIFIC RECOMMENDATIONS FOR THE CONSTRUCTION OF FOUNDATIONS, FLOOR SLABS AND EXTERIOR FLAT WORK, ARE COMPILED IN A REPORT DATED FEBRUARY 28, 2005. THIS REPORT IS AVAILABLE FROM THE DEVELOPER AND A COPY IS ON FILE WITH THE CITY OF ST. GEORGE. OWNERS, BUILDERS AND CONTRACTORS SHOULD BECOME FAMILIAR WITH THIS REPORT AND COMPLY WITH ITS RECOMMENDATIONS.

## SURVEYOR'S CERTIFICATE:

I, BRANDON E. ANDERSON, PROFESSIONAL LAND SURVEYOR NUMBER 4938716, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS WILL BE SET AS REPRESENTED ON THIS PLAT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE HEREON OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND HAVE SUBDIVIDED THE SAME TRACT INTO PUBLIC STREETS, PRIVATE PADS, COMMON AND LIMITED COMMON AREAS (INCLUDING PRIVATE ROADS) TO BE HEREAFTER KNOWN AS:

"SUN RIVER ST. GEORGE, PHASE 40"

THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND POINTS ESTABLISHED ON THE GROUND IN ACCORDANCE WITH THE HEREON LEGAL DESCRIPTION.

PROFESSIONAL LAND SURVEYOR — CERTIFICATE NO. 4938716 — BRANDON E. ANDERSON — STATE OF UTAH

DATE: ______________

______________________
BRANDON E. ANDERSON — CERTIFICATE NO. 4938716

## LEGAL DESCRIPTION:

BEGINNING ON THE SOUTHERN LINE OF SUN RIVER ST. GEORGE PHASE 29, SAID POINT BEING SOUTH 88°33'41" EAST 2,399.31 FEET ALONG THE SECTION LINE AND SOUTH 1,361.99 FEET FROM THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING:

THENCE EASTERLY THE FOLLOWING (4) COURSES ALONG THE SAID SOUTHERLY LINE OF SUN RIVER ST. GEORGE PHASE 29:
THENCE SOUTH 85°18'27" EAST 133.90 FEET;
THENCE NORTH 78°16'51" EAST 310.03 FEET;
THENCE NORTH 55°05'34" EAST 395.01 FEET;
THENCE NORTH 33°14'43" EAST 63.00 FEET;
THENCE SOUTHEASTERLY 355.71 FEET ALONG AN ARC OF A 338.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 33°14'43" WEST LONG CHORD BEARS SOUTH 43°04'53" EAST 339.65 FEET WITH A CENTRAL ANGLE OF 60°30'47");
THENCE SOUTH 56°39'49" WEST 43.04 FEET;
THENCE SOUTHERLY 837.71 FEET ALONG AN ARC OF A 275.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 69°08'08" WEST LONG CHORD BEARS SOUTH 03°47'31" WEST 530.36 FEET WITH A CENTRAL ANGLE OF 46°21'33");
THENCE SOUTH 88°33'58" WEST 142.18 FEET;
THENCE SOUTH 89°59'09" WEST 681.40 FEET;
THENCE NORTH 04°44'31" EAST 156.54 FEET;
THENCE NORTH 19°33'40" WEST 88.87 FEET;
THENCE NORTH 05°24'31" EAST 136.37 FEET TO THE POINT OF BEGINNING.

CONTAINING 275,671 SQUARE FEET OR 6.30 ACRES

| LINE TABLE | | |
|---|---|---|
| LINE | LENGTH | DIRECTION |
| L1 | 6.73' | S 85°16'28" E |
| L2 | 11.62' | N 45°08'48" E |
| L3 | 8.58' | N 80°40'30" W |
| L4 | 13.39' | N 86°08'48" E |
| L5 | 17.05' | S 86°40'30" E |
| L6 | 10.80' | N 61°17'53" E |
| L7 | 11.85' | N 40°08'48" E |
| L8 | 8.73' | S 60°15'59" E |
| L9 | 13.39' | N 46°02'58" E |
| L10 | 10.85' | N 61°17'53" E |
| L11 | 10.03' | S 89°56'43" E |
| L12 | 10.19' | N 82°30'23" E |
| L13 | 12.82' | S 4°44'31" W |

| LINE TABLE | | |
|---|---|---|
| LINE | LENGTH | DIRECTION |
| L14 | 11.69' | S 4°44'31" W |
| L15 | 13.37' | S 3°53'09" W |
| L16 | 13.13' | S 13°34'50" E |
| L17 | 18.64' | S 31°00'28" E |
| L18 | 12.38' | S 43°57'18" E |
| L19 | 11.86' | N 43°07'12" W |
| L20 | 11.08' | S 36°57'58" E |
| L21 | 16.48' | N 10°33'40" W |
| L22 | 16.44' | N 16°30'40" W |
| L23 | 11.53' | N 4°44'31" E |
| L24 | 11.13' | N 33°46'36" W |
| L25 | 11.86' | S 43°57'18" E |

| CURVE TABLE | | | |
|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA |
| C1 | 107.27' | 167.00' | 36°48'10" |
| C2 | 24.90' | 167.00' | 8°32'50" |
| C3 | 47.43' | 333.00' | 8°09'37" |
| C4 | 31.81' | 535.00' | 3°24'14" |
| C5 | 45.69' | 248.00' | 10°33'20" |
| C6 | 42.61' | 246.00' | 9°55'29" |
| C7 | 24.37' | 275.00' | 5°13'51" |
| C8 | 18.68' | 270.00' | 3°56'43" |
| C9 | 45.64' | 225.00 | 11°40'21" |
| C10 | 35.46' | 135.00' | 14°53'18" |
| C11 | 58.58' | 226.00' | 14°54'56" |
| C12 | 28.63' | 256.00' | 6°38'00" |
| C13 | 16.00' | 50.00' | 18°20'31" |
| C14 | 18.50' | 60.00' | 18°54'21" |
| C15 | 43.50' | 308.00' | 10°08'19" |
| C16 | 29.86' | 310.00' | 5°31'17" |
| C17 | 10.00' | 310.00' | 1°49'09" |
| C18 | 44.59' | 315.00' | 8°06'40" |

| CURVE TABLE | | | |
|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA |
| C19 | 27.68' | 165.00' | 9°37'41" |
| C20 | 10.00' | 165.00' | 3°28'21" |
| C21 | 116.37' | 180.00' | 37°02'31" |
| C22 | 6.21' | 215.00' | 1°39'19" |
| C23 | 65.51' | 210.00' | 17°52'29" |
| C24 | 10.00' | 210.00' | 2°43'42" |
| C25 | 66.48' | 210.00' | 18°08'07" |
| C26 | 10.00' | 210.00' | 2°43'42" |
| C27 | 43.38' | 215.00' | 11°33'48" |
| C28 | 16.81' | 250.00' | 3°51'54" |
| C29 | 10.00' | 265.00' | 2°09'43" |
| C30 | 46.06' | 285.00' | 9°15'33" |
| C31 | 16.16' | 30.00' | 30°51'32" |
| C32 | 446.31' | 385.00' | 66°25'20" |
| C33 | 149.61' | 270.00' | 31°44'03" |
| C34 | 16.16' | 30.00' | 30°52'34" |
| C35 | 13.61' | 275.00' | 2°50'08" |

# SUN RIVER
# ST. GEORGE PHASE 40

(A 19 UNIT PLANNED UNIT DEVELOPMENT)
LOCATED IN SECTION 26, TOWNSHIP 43 SOUTH, RANGE 16 WEST
SALT LAKE BASE AND MERIDIAN
CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH.

SHEET 1 OF 2

ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS
352 EAST RIVERSIDE DRIVE, SUITE A-2, ST. GEORGE, UTAH 84790
PH (435) 673-8586 WWW.RACIVIL.COM

| FPLAT P40.DWG (FILE NUMBER) | 10/02/2013 (DATE) | W.A.A. (DRAWN) |
|---|---|---|
| 1960-PH40 (JOB NUMBER) | 1" = 30' (SCALE) | B.E.A. (CHECKED) |

**APPROVAL OF THE PLANNING AND ZONING OFFICIAL**
I, PLANNING AND ZONING OFFICIAL FOR THE CITY OF ST. GEORGE, HAVE THIS THE ___ DAY OF ______ A.D. 20__, REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND RECOMMENDED THE SAME FOR ACCEPTANCE BY THE CITY OF ST. GEORGE, UT.
______________________
PLANNING AND ZONING OFFICIAL, CITY OF ST. GEORGE

**ENGINEER'S APPROVAL**
THE HEREON SUBDIVISION FINAL PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS ___ DAY OF ________, A.D. 20__.
______________________
ENGINEER, CITY OF ST. GEORGE

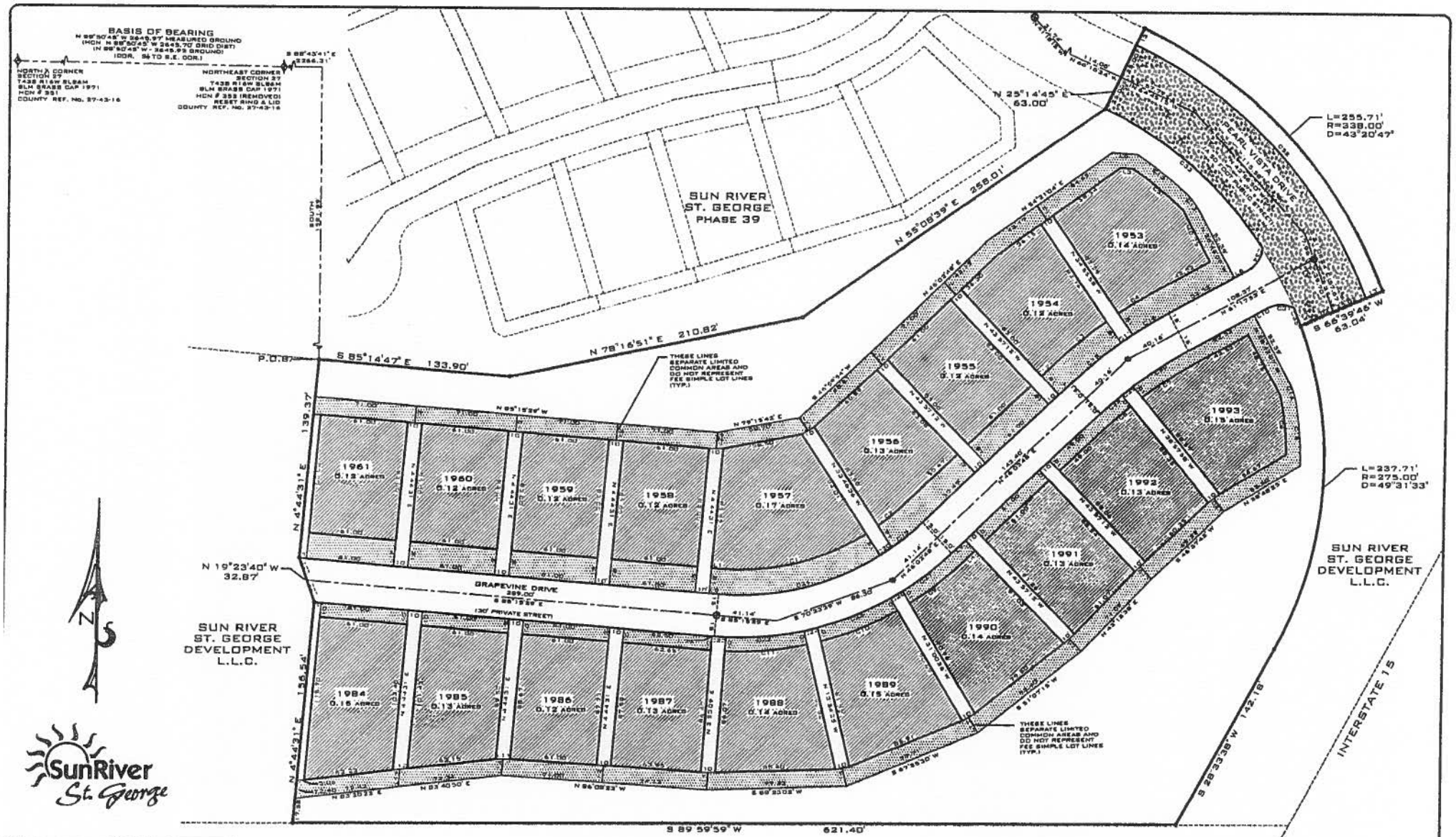
**APPROVAL AS TO FORM**
APPROVED AS TO FORM, THIS THE ___ DAY OF ________, A.D. 20__.
______________________
CITY ATTORNEY, CITY OF ST. GEORGE

**APPROVAL OF THE PLANNING COMMISSION**
ON THIS THE ___ DAY OF ______ A.D. 20__ THE PLANNING COMMISSION OF THE CITY OF ST. GEORGE, HAVING REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE CITY'S PLANNING ORDINANCES, AND BY AUTHORITY OF SAID COMMISSION HEREBY APPROVE SAID SUBDIVISION FOR ACCEPTANCE BY THE CITY OF ST. GEORGE, UT.
______________________
CHAIRMAN PLANNING COMMISSION, CITY OF ST. GEORGE

**APPROVAL AND ACCEPTANCE BY THE CITY OF ST. GEORGE, UTAH**
WE, THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. GEORGE, UT, HAVE REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND BY AUTHORIZATION OF SAID CITY COUNCIL, ACCORD IN THE MINUTES OF ITS MEETING OF THE ___ DAY OF ______ A.D. 20__ HEREBY ACCEPT SAID FINAL PLAT WITH ALL COMMITMENTS AND OBLIGATIONS PERTAINING THERETO.
______________________ ______________________
ATTEST: CITY RECORDER, CITY OF ST. GEORGE — MAYOR, CITY OF ST. GEORGE

**TREASURER APPROVAL**
I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS ___ DAY OF ______ A.D. 20__ THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION FINAL PLAT HAVE BEEN PAID IN FULL.
______________________
WASHINGTON COUNTY TREASURER

**RECORDED NUMBER**
______________________
WASHINGTON COUNTY RECORDER

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ST. GEORGE, UTAH 84790
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| | | |
|---|---|---|
| FPLAT P40.DWG (FILE NUMBER) | 10/02/2013 (DATE) | W.A.A. (DRAWN) |
| 1980-PH40 (JOB NUMBER) | 1" = 30' (SCALE) | D.E.A. (CHECKED) |

LEGEND

- FOUND SECTION MONUMENTATION AS SHOWN AND DESCRIBED
- NOTHING SET OR FOUND
- TO BE SET STANDARD ST. GEORGE CITY SURVEY MONUMENT - CLASS II. ALL MONUMENTS ARE SET ON TANGENT LINES UNLESS OTHERWISE NOTED
- TO BE SET STANDARD ST. GEORGE CITY SURVEY MONUMENT - CLASS I
- FOUND ST. GEORGE CITY SURVEY MONUMENT - CLASS I
- PRIVATE OWNERSHIP
- LIMITED COMMON AREA
- COMMON AREA
- PUBLIC STREET

# SUN RIVER ST. GEORGE PHASE 40

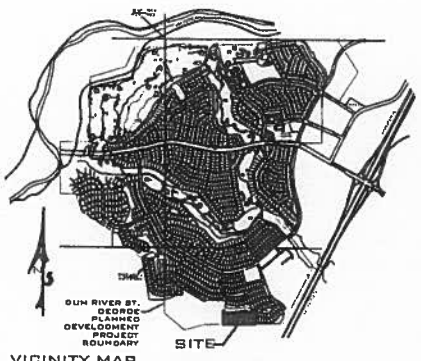
(A 19 UNIT PLANNED UNIT DEVELOPMENT)
LOCATED IN SECTION 26, TOWNSHIP 43 SOUTH, RANGE 16 WEST
SALT LAKE BASE AND MERIDIAN
CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH.

# PCR ITEM 1D
## Final Plat

PLANNING COMMISSION AGENDA REPORT: **07/28/2015**
CITY COUNCIL MEETING: **08/06/2015**

FINAL PLAT
**Sun River St. George Phase 41**
Case No. 2014-FP-002

| | |
|---|---|
| **Request:** | Approval of a 22 Lot Residential Subdivision Final Plat |
| **Representative:** | Brandon Anderson, Rosenberg Associates<br>352 E. Riverside Drive #A2<br>St. George, UT 84790 |
| **Property:** | Located at Grapevine Drive (at approximately 1500 West and 5250 South) |
| **Zone:** | PD-R |
| **Staff Comments:** | All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat conditions and approvals. |
| **P.C.:** | The Planning Commission recommends approval. |




VICINITY MAP
SUN RIVER, ST. GEORGE (NO SCALE)

## OWNER'S DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF ALL THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO PRIVATE PADS, COMMON AND LIMITED COMMON AREAS (INCLUDING PRIVATE ROADS), TO BE HEREAFTER KNOWN AS:

"SUN RIVER ST. GEORGE, PHASE 41"

DO HEREBY DEDICATE TO THE COMMON USE OF THE PROPERTY OWNERS, BUT NOT TO THE USE OF THE GENERAL PUBLIC, ALL COMMON AND LIMITED COMMON AREAS (INCLUDING PRIVATE ROADS) SHOWN ON THIS PLAT, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF DEDICATION OF SAID COMMON AND LIMITED COMMON AREAS AS HERE FULLY PROVIDED IN THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" APPLICABLE TO ENTRY NO. 504446, BOOK 644, PAGE 0394-0593, DATED MARCH 10, 1908 AND RECORDED CONCURRENTLY WITH THE PLAT OF "SUN RIVER, PHASE 1, PLAT 1A", AMENDMENT TO SAID COVENANTS, CONDITIONS AND RESTRICTIONS APPLICABLE TO ENTRY NO. 00892971, BOOK 1537, PAGE 1654-1656 DATED MAY 2, 2000, AND AS SUPPLEMENTED BY SUPPLEMENTAL DD & RS RECORDED CONCURRENTLY WITH THIS PLAT, INCORPORATED AND MADE PART OF THIS PLAT. REFERENCE IS MADE TO SAID DECLARATION FOR DETAILS CONCERNING THE RIGHT AND OBLIGATIONS OF PARTIES HAVING OR ACQUIRING AN INTEREST IN THIS DEVELOPMENT. FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, THE UNDERSIGNED OWNERS HEREBY DEDICATE AND CONVEY TO THE CITY OF ST. GEORGE, FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS EASEMENTS OVER, ON, UNDER AND ACROSS ALL COMMON AND LIMITED COMMON AREAS AND PRIVATE ROADWAYS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE. THE UNDERSIGNED OWNERS DO HEREBY WARRANT TO THE CITY OF ST. GEORGE AND ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE ALL DEDICATIONS & EASEMENTS GRANTED HEREIN AGAINST THE CLAIMS OF ALL PERSONS.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____ 20__.

SUN RIVER ST. GEORGE DEVELOPMENT, L.C.
A UTAH LIMITED LIABILITY COMPANY

_____
MANAGER - GARDT A. STEWART

## LIMITED LIABILITY COMPANY ACKNOWLEDGMENT:

STATE OF UTAH )
COUNTY OF WASHINGTON ) S.S.

ON THE _____ DAY OF _____ 20__, PERSONALLY APPEARED BEFORE ME GARDT A. STEWART, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE MANAGER OF SUN RIVER ST. GEORGE DEVELOPMENT, L.C.; A UTAH LIMITED LIABILITY COMPANY AND THAT HE EXECUTED THE FOREGOING OWNER'S DEDICATION IN BEHALF OF SAID LIMITED LIABILITY COMPANY BEING AUTHORIZED AND EMPOWERED TO DO SO BY THE OPERATING AGREEMENT OF SUN RIVER ST. GEORGE DEVELOPMENT, L.C., AND HE DID DULY ACKNOWLEDGE TO HE THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME FOR THE USES AND PURPOSES STATED HEREIN.

FULL NAME SIGNATURE: _____
FULL NAME PRINT: _____
COMMISSION NO.: _____
EXPIRATION DATE: _____
A NOTARY PUBLIC COMMISSIONED
IN THE STATE OF _____

(STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)

## MORTGAGEE CONSENT TO RECORD:

J. SCOTT LEWIS & ASSOCIATES, INC., A MORTGAGEE OF THE ABOVE TRACT OF LAND DOES HEREBY GIVE CONSENT OF SAID TRACT OF LAND TO BE USED FOR THE USES AND PURPOSES DESCRIBED IN THE PLAT, TO RECORDING PLAT, RECORDING OF COVENANTS, CONDITIONS AND RESTRICTIONS AND JOINS IN ALL DEDICATIONS.

_____
J. SCOTT LEWIS - PRESIDENT

## CORPORATION ACKNOWLEDGMENT:

STATE OF UTAH )
COUNTY OF WASHINGTON ) S.S.

ON THE _____ DAY OF _____, 20__ PERSONALLY APPEARED BEFORE ME J. SCOTT LEWIS, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE PRESIDENT OF J. SCOTT LEWIS & ASSOCIATES, INC. A UTAH CORPORATION, AND THAT HE EXECUTED THE FOREGOING MORTGAGEE CONSENT ON BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF ITS BOARD OF DIRECTORS AND HE DID ACKNOWLEDGE TO HE THAT THE CORPORATION EXECUTED THE SAME FOR THE PURPOSES STATED THEREIN.

FULL NAME SIGNATURE: _____
FULL NAME PRINT: _____
COMMISSION NO.: _____
EXPIRATION DATE: _____
A NOTARY PUBLIC COMMISSIONED
IN THE STATE OF _____

(STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)

## GENERAL NOTES AND RESTRICTIONS:

1. THIS SUBDIVISION CONTAINS PRIVATE STREETS AS LABELED. PRIVATE STREETS ARE NOT OWNED, MAINTAINED, OR REPAIRED BY THE CITY OF ST. GEORGE. THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL PRIVATE STREETS WITHIN THIS SUBDIVISION.

2. ALL DRAINAGE IMPROVEMENTS WITHIN THIS SUBDIVISION ARE PRIVATE AND ARE NOT OWNED, MAINTAINED, OR REPAIRED BY THE CITY OF ST. GEORGE. THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL DRAINAGE IMPROVEMENTS WITHIN THIS SUBDIVISION UNLESS OTHERWISE APPROVED AND ACCEPTED BY THE CITY OF ST. GEORGE AS PUBLIC.

3. ALL POWER, SEWER AND WATER IMPROVEMENTS ARE PUBLIC AND MAINTAINED BY THE DIXIE POWER AND THE CITY OF ST. GEORGE, RESPECTIVELY, UP TO AND INCLUDING THE METERS. ALL FIRE HYDRANTS AND THEIR APPURTENANCES WITHIN THIS SUBDIVISION ARE PUBLIC AND ARE MAINTAINED BY THE CITY OF ST. GEORGE. FIRE LINES TO BUILDINGS ARE PRIVATE AND SHALL BE

4. THE ASSOCIATION SHALL BE RESPONSIBLE FOR REPAIRING, RESTORING, OR REPLACING PRIVATE STREETS, LANDSCAPING, OR OTHER PRIVATE IMPROVEMENTS CONTAINED WITHIN THIS SUBDIVISION RESULTING FROM DAMAGE OR DISRUPTION CAUSED BY THE DIXIE POWER AND/OR THE CITY OF ST. GEORGE IN INSTALLING, MAINTAINING, REPAIRING, OR REPLACING PUBLIC POWER, WATER, SEWER, AND DRAINAGE IMPROVEMENTS.

5. IN ADDITION TO ANNUAL, USUAL, AND SPECIAL ASSESSMENTS FOR MAINTENANCE OF COMMON NON-PUBLIC IMPROVEMENTS CONTAINED WITHIN THIS SUBDIVISION, THE ASSOCIATION SHALL LEVY SUCH ASSESSMENTS AS MAY BE NECESSARY FROM TIME TO TIME TO REPAIR, RESTORE, OR REPLACE PRIVATE STREETS, LANDSCAPING, OR OTHER PRIVATE IMPROVEMENTS CONTAINED WITHIN THIS SUBDIVISION RESULTING FROM DAMAGE OR DISRUPTION CAUSED BY THE DIXIE POWER AND/OR THE CITY OF ST. GEORGE IN INSTALLING, MAINTAINING, REPAIRING, OR REPLACING POWER, WATER, SEWER, AND DRAINAGE IMPROVEMENTS.

6. BY RECORDING THIS SUBDIVISION PLAT, EASEMENTS ARE HEREBY GRANTED WITHIN ALL COMMON AND LIMITED COMMON AREAS WITHIN THIS SUBDIVISION FOR INSTALLATION, ACCESS, MAINTENANCE, AND REPAIR OF ALL UTILITIES INCLUDING NATURAL GAS, CABLE TV, TELEPHONE, WATER AND POWER, AND FOR SEWER AND DRAINAGE IMPROVEMENTS.

7. ALL ROCK WALLS ARE PRIVATE AND ALL ROCK WALL REPAIR AND MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION. SAID HOME OWNERS ASSOCIATION SHALL INDEMNIFY AND HOLD HARMLESS THE CITY OF ST. GEORGE, ITS OFFICERS, BOARDS, EMPLOYEES, AGENTS AND ASSIGNS, FROM ANY CLAIMS RESULTING FROM ROCK WALLS LOCATED WITHIN THIS SUBDIVISION.

8. THE BASIS OF BEARINGS IS THE SOUTH LINE OF SECTION 26, T43S, R16W, S.L.B. & M., FROM THE BRASS CAP AT THE SOUTH QUARTER CORNER OF SECTION 26, TO THE SOUTHEAST CORNER OF SECTION 26, ALSO A BRASS CAP. THE BEARING IS SOUTH 89°50'48" EAST AND MEASURES 5345.70 FEET (GRID DISTANCE) CORNER TO CORNER, AS SHOWN ON THE CITY OF ST. GEORGE HORIZONTAL CONTROL NETWORK (HCN) MAPPING.

9. MINIMUM BUILDING SETBACK REQUIREMENTS ARE INCORPORATED INTO THE PAD LAYOUT AS SHOWN. ALL STRUCTURES SHALL BE BUILT ENTIRELY WITHIN THEIR RESPECTIVE PAD. GARAGE VEHICLE ENTRANCE MINIMUM SETBACK IS MEASURED 50 FEET FROM THE TOP BACK OF SIDEWALK OR THE TOP EDGE OF CURB IF NO SIDEWALK EXISTS (BUT ALWAYS WITHIN THEIR RESPECTIVE PAD).

10. ALL COMMON AND LIMITED COMMON AREAS AND PRIVATE DRIVES SHOWN ON THIS PLAT ARE SUBJECT TO PUBLIC UTILITIES AND DRAINAGE EASEMENTS FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS AND SUCH EASEMENTS SHALL BE SUBJECT TO THE RIGHT OF THE CITY OF ST. GEORGE TO REQUIRE THE HOMEOWNER'S ASSOCIATION TO ASSESS ITS MEMBERS TO REPAIR STREETS, LANDSCAPING, ETC., WHERE NEEDED TO REPAIR OR REPLACE THE PUBLIC UTILITIES (SEE DECLARATION).

11. NO SIDEYARD PRIVACY WALLS SHALL BE CONSTRUCTED BETWEEN PADS SEPARATED BY LESS THAN 18 FEET PER CITY ORDINANCE.

12. THE CITY OF ST. GEORGE REQUIRES PRIVATE PROPERTY CORNERS TO BE MONUMENTED PRIOR TO ISSUING A BUILDING PERMIT.

13. INTERIOR PHASE BOUNDARIES PROVIDE A 10' MIN. COMMON AREA SEPARATION BETWEEN PRIVATE AREA/PADS AS REQUIRED BY ST. GEORGE CITY CODE. THAT WHICH THE ADJACENT PHASING PROCEEDS, THE PRIVATE AREAS/PADS IN THE PHASE ADJACENT TO THE PREVIOUS PHASE BOUNDARY WILL BE PLATTED DIRECTLY ALONG THE PHASE BOUNDARY, MAINTAINING THE MINIMUM PRIVATE AREA PAD SEPARATION OF 10'.

14. ALL DWELLING UNITS SHALL BE SINGLE STORY.

## GEOTECHNICAL INVESTIGATION:

A GEOTECHNICAL INVESTIGATION WAS PERFORMED BY LANDMARK TESTING & ENGINEERING. THE INVESTIGATION RESULTS AND SPECIFIC RECOMMENDATIONS FOR THE CONSTRUCTION OF FOUNDATIONS, FLOOR SLABS AND EXTERIOR FLAT WORK, ARE COMPILED IN A REPORT DATED FEBRUARY 22, 2005. THIS REPORT IS AVAILABLE FROM THE DEVELOPER AND A COPY IS ON FILE WITH THE CITY OF ST. GEORGE. OWNERS, BUILDERS AND CONTRACTORS SHOULD SECURE FAMILIAR WITH THIS REPORT AND COMPLY WITH ITS RECOMMENDATIONS.

## SURVEYOR'S CERTIFICATE:

I, BRANDON E. ANDERSON, PROFESSIONAL LAND SURVEYOR NUMBER 4938718, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS WILL BE SET AS REPRESENTED ON THIS PLAT I FURTHER CERTIFY THAT BY AUTHORITY OF THE HEREON OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND HAVE SUBDIVIDED THE SAME TRACT INTO PRIVATE PADS, COMMON AND LIMITED COMMON AREAS (INCLUDING PRIVATE ROADS) TO BE HEREAFTER KNOWN AS:

"SUN RIVER ST. GEORGE, PHASE 41"

THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND POINTS ESTABLISHED ON THE GROUND IN ACCORDANCE WITH THE HEREON LEGAL DESCRIPTION.

PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO.
4938718
BRANDON E. ANDERSON
STATE OF UTAH

DATE: _____

BRANDON E. ANDERSON — CERTIFICATE NO. 4938718

## LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF SUN RIVER ST. GEORGE PHASE 37, AND THE SOUTHWEST CORNER OF SUN RIVER ST. GEORGE PHASE 38, SAID POINT BEING SOUTH 89°43'41" EAST 2,080.31 FEET ALONG THE SECTION LINE AND SOUTH 1,415.86 FEET FROM THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING:

THENCE SOUTH 64°18'34" EAST 176.70 FEET ALONG THE WESTERLY LINE OF SUN RIVER ST. GEORGE PHASE 39 TO THE NORTHWEST CORNER OF SUN RIVER ST. GEORGE PHASE 40;
THENCE SOUTH 83°15'07" EAST 113.70 FEET ALONG THE SOUTHERLY LINE OF SAID SUN RIVER ST. GEORGE PHASE 00;
THENCE SOUTHERLY THE FOLLOWING (21 COURSES ALONG THE WESTERLY LINE OF SAID SUN RIVER ST. GEORGE PHASE 40:
THENCE SOUTH 4°44'31" WEST 138.37 FEET;
THENCE SOUTH 18°33'40" EAST 32.87 FEET;
THENCE SOUTH 4°54'31" WEST 158.04 FEET;
THENCE SOUTH 09°38'30" WEST 705.80 FEET;
THENCE NORTH 3°47'48" WEST 198.77 FEET;
THENCE NORTHERLY 158.78 FEET ALONG AN ARC OF A 578.00 FEET RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 85°12'14" EAST LONG CHORD BEARS NORTH 09°11'49" EAST 157.38 FEET WITH A CENTRAL ANGLE OF 15°57'10);
THENCE NORTHERLY 107.81 FEET ALONG AN ARC OF A 888.00 FEET RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 57°48'56" WEST LONG CHORD BEARS NORTH 17°17'52" EAST 107.18 FEET WITH A CENTRAL ANGLE OF 06°47'53");
THENCE EASTERLY THE FOLLOWING (3) COURSES ALONG THE SOUTHERLY LINE OF SAID SUN RIVER ST. GEORGE PHASE 37:
THENCE SOUTH 70°33'03" EAST 183.70 FEET;
THENCE NORTH 83°00'18" EAST 216.63 FEET;
THENCE NORTH 70°33'33" EAST 194.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 338,178 SQUARE FEET OR 7.70 ACRES.

SunRiver St. George

# SUN RIVER ST. GEORGE PHASE 41

(A 22 UNIT PLANNED UNIT DEVELOPMENT)
LOCATED IN SECTION 26, TOWNSHIP 43 SOUTH, RANGE 16 WEST
SALT LAKE BASE AND MERIDIAN
CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH.

SHEET 1 OF 2

| LINE TABLE | | |
|---|---|---|
| LINE | LENGTH | DIRECTION |
| L1 | 12.21' | N 00°01'18" E |
| L2 | 13.23' | N 00°39'52" W |
| L3 | 11.88' | N 00°39'52" W |
| L4 | 12.70' | N 08°30'52" W |
| L5 | 13.09' | N 00°39'52" W |
| L6 | 11.77' | N 04°29'52" W |
| L7 | 11.89' | N 01°31'02" W |
| L8 | 10.00' | N 87°13'02" E |
| L9 | 10.01' | S 88°08'08" W |
| L10 | 10.01' | N 80°19'07" E |
| L11 | 10.00' | N 69°08'08" E |
| L12 | 10.02' | N 87°07'05" E |
| L13 | 12.37' | S 4°44'21" W |
| L14 | 12.51' | S 8°44'21" W |
| L15 | 11.00' | S 4°44'21" W |
| L16 | 11.88' | S 00°38'49" W |
| L17 | 11.71' | S 08°39'02" E |

| LINE TABLE | | |
|---|---|---|
| LINE | LENGTH | DIRECTION |
| L18 | 11.09' | S 08°30'52" E |
| L19 | 11.68' | S 04°39'02" E |
| L20 | 12.28' | N 08°39'02" W |
| L21 | 12.07' | S 01°48'15" E |
| L22 | 11.88' | S 01°48'15" E |
| L23 | 10.02' | S 04°30'02" W |
| L24 | 10.08' | S 76°02'42" W |
| L25 | 10.02' | N 78°42'58" E |
| L26 | 10.04' | S 84°30'01" E |
| L27 | 10.12' | S 76°32'32" E |
| L28 | 10.15' | S 70°32'48" E |
| L29 | 10.24' | S 49°31'27" W |
| L30 | 9.00' | N 86°12'18" E |
| L31 | 10.48' | N 19°22'40" W |
| L32 | 10.44' | N 19°22'40" W |

| CURVE TABLE | | | |
|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA |
| 01 | 18.87' | 30.00' | 36°08'12" |
| 04 | 43.93' | 615.00' | 4°05'40" |
| 05 | 10.01' | 815.00' | 0°50'57" |
| 06 | 13.43' | 810.00' | 1°09'27" |
| 07 | 54.13' | 580.00' | 5°10'02" |
| 08 | 10.00' | 583.00' | 0°59'47" |
| 09 | 7.04' | 810.00' | 0°49'08" |
| 010 | 38.31' | 585.00' | 3°45'21" |
| 011 | 38.22' | 815.00' | 2°31'01" |
| 012 | 10.00' | 815.00' | 0°00'34" |
| 013 | 48.87' | 815.00' | 4°10'10" |
| 014 | 47.10' | 838.00' | 4°16'06" |
| 015 | 51.32' | 883.00' | 3°33'01" |
| 016 | 27.68' | 887.00' | 3°47'30" |
| 017 | 51.86' | 887.00' | 3°13'01" |
| 018 | 12.78' | 633.00' | 1°14'48" |
| 019 | 44.88' | 883.00' | 4°01'59" |

| CURVE TABLE | | | |
|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA |
| 021 | 01.78' | 348.00' | 13°37'50" |
| 022 | 87.77' | 360.00' | 14°03'40" |
| 023 | 90.80' | 508.00' | 4°00'37" |
| 024 | 10.01' | 825.00' | 0°08'46" |
| 025 | 18.19' | 883.00' | 1°11'30" |
| 026 | 48.88' | 615.00' | 4°33'12" |
| 027 | 10.00' | 818.00' | 0°05'04" |
| 028 | 30.39' | 615.00' | 3°34'03" |
| 029 | 55.82' | 583.00' | 6°28'49" |
| 030 | 10.00' | 583.00' | 0°58'46" |
| 031 | 41.14' | 580.80' | 4°01'47" |
| 032 | 40.40' | 575.00' | 4°01'32" |
| 033 | 54.07' | 575.00' | 5°33'03" |
| 034 | 50.18' | 888.00' | 3°33'18" |
| 035 | 48.81' | 885.00 | 4°33'32" |
| 036 | 11.48' | 070.00' | 1°08'30" |
| 037 | 40.80' | 073.00' | 4°03'44" |

ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS
352 EAST RIVERSIDE DRIVE, SUITE A-2,
ST. GEORGE, UTAH 84790
PH (435) 673-8586 WWW.RAOINC.COM

| | | |
|---|---|---|
| FILE NUMBER: FLAT 041.DWG | DATE: 12/04/2013 | DRAWN: W.A.A. |
| JOB NUMBER: 1960-PH41 | SCALE: 1" = 30' | CHECKED: B.E.A. |

**APPROVAL OF THE PLANNING AND ZONING OFFICIAL**

I, PLANNING AND ZONING OFFICIAL FOR THE CITY OF ST. GEORGE, HAVE THIS THE _____ DAY OF _____ A.D. 20__, REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND RECOMMENDED THE SAME FOR ACCEPTANCE BY THE CITY OF ST. GEORGE, UT.

PLANNING AND ZONING OFFICIAL
CITY OF ST. GEORGE

**ENGINEER'S APPROVAL**

THE HEREON SUBDIVISION FINAL PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS _____ DAY OF _____, A.D. 20__

ENGINEER
CITY OF ST. GEORGE

**APPROVAL AS TO FORM**

APPROVED AS TO FORM, THIS THE _____ DAY OF _____, A.D. 20__

CITY ATTORNEY
CITY OF ST. GEORGE

**APPROVAL OF THE PLANNING COMMISSION**

ON THIS THE _____ DAY OF _____ A.D. 20__ THE PLANNING COMMISSION OF THE CITY OF ST. GEORGE, HAVING REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE CITY'S PLANNING ORDINANCES, AND BY AUTHORITY OF SAID COMMISSION HEREBY APPROVE SAID SUBDIVISION FOR ACCEPTANCE BY THE CITY OF ST. GEORGE, UT.

CHAIRMAN PLANNING COMMISSION
CITY OF ST. GEORGE

**APPROVAL AND ACCEPTANCE BY THE CITY OF ST. GEORGE, UTAH**

WE, THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. GEORGE, UT, HAVE REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND BY AUTHORIZATION OF SAID CITY COUNCIL, RECORD IN THE MINUTES OF ITS MEETING OF THE _____ DAY OF _____ A.D. 20__ HEREBY ACCEPT SAID FINAL PLAT WITH ALL COMMITMENTS AND DEDICATIONS PERTAINING THERETO.

ATTEST: CITY RECORDER — MAYOR
CITY OF ST. GEORGE — CITY OF ST. GEORGE

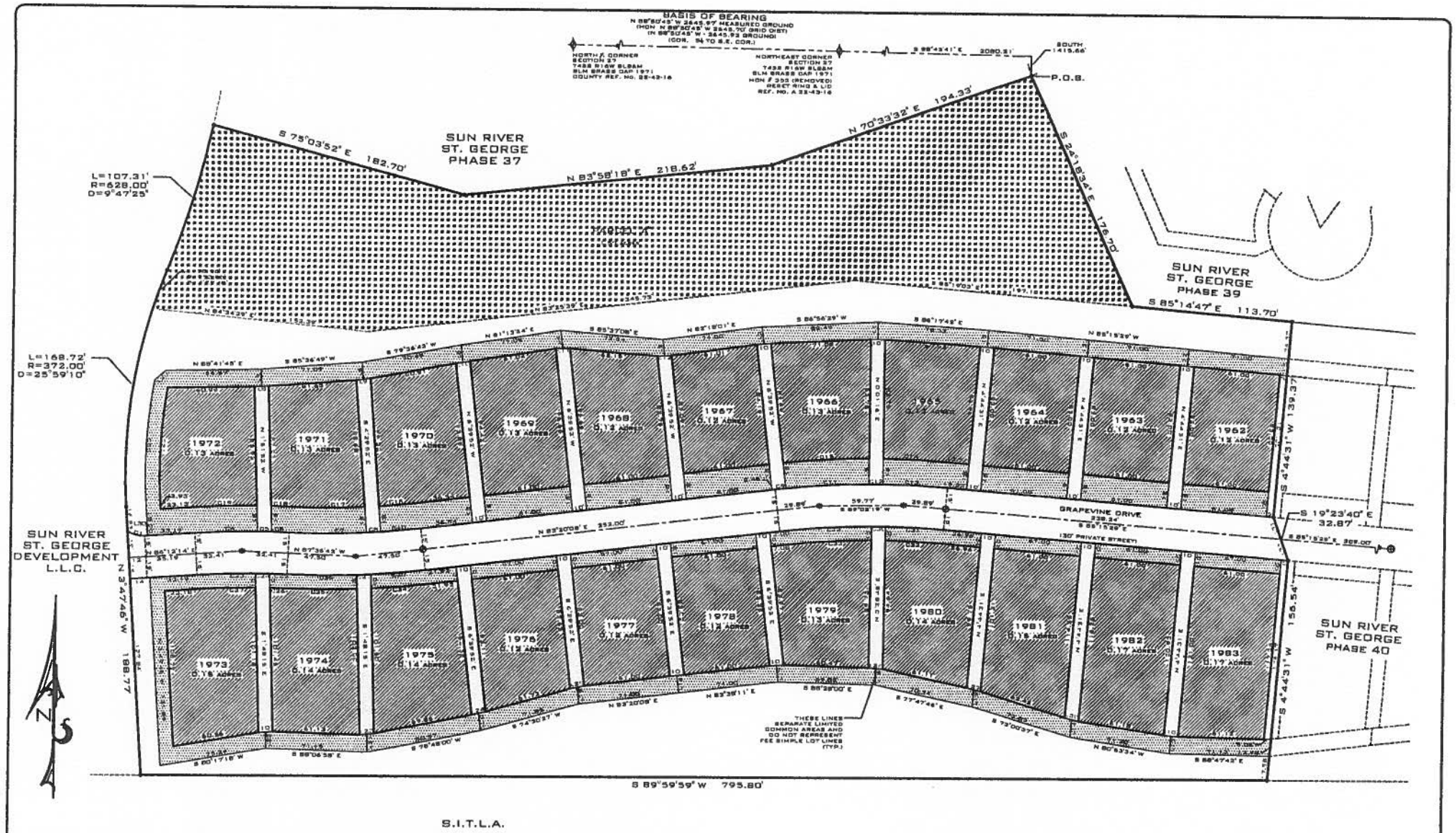
**TREASURER APPROVAL**

I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS THE _____ DAY OF _____ A.D. 20__ THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION FINAL PLAT HAVE BEEN PAID IN FULL.

WASHINGTON COUNTY TREASURER

**RECORDED NUMBER**

WASHINGTON COUNTY RECORDER

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ST. GEORGE, UTAH 84790
PH (435) 673-8586 WWW.RADVIL.COM

| | | |
|---|---|---|
| FPLAT P41.DWG<br>FILE NUMBER: | 12/04/2013<br>DATE: | W.A.A.<br>DRAWN: |
| 1960-PH41<br>JOB NUMBER: | 1" = 30'<br>SCALE: | B.E.A.<br>CHECKED: |

SunRiver St. George

LEGEND

- FOUND SECTION MONUMENTATION AS SHOWN AND DESCRIBED
- NOTHING SET OR FOUND
- TO BE SET STANDARD ST. GEORGE CITY SURVEY MONUMENT - CLASS II ALL MONUMENTS ARE SET ON TANGENT LINES UNLESS OTHERWISE NOTED
- TO BE SET STANDARD ST. GEORGE CITY SURVEY MONUMENT - CLASS I
- FOUND ST. GEORGE CITY SURVEY MONUMENT - CLASS I
- FOUND SURVEY CONTROL MONUMENT - CLASS II
- PRIVATE OWNERSHIP
- LIMITED COMMON AREA
- COMMON AREA
- PARCEL 'A' OPEN SPACE - COMMON AREA

# SUN RIVER ST. GEORGE PHASE 41

(A 22 UNIT PLANNED UNIT DEVELOPMENT)
LOCATED IN SECTION 26, TOWNSHIP 43 SOUTH, RANGE 16 WEST
SALT LAKE BASE AND MERIDIAN
CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH.

SHEET 2 OF 2

DRAFT

Agenda Item Number : 6F

# Request For Council Action

| | |
|---|---|
| **Date Submitted** | 2015-07-30 08:28:51 |
| **Applicant** | Rich Stehmeier |
| **Quick Title** | Cooperative Agreement for the Airport with the State of Utah |
| **Subject** | Co-Op Agreement between the City and the Aeronautical Operations Division of the State of Utah for AIP-25 |
| **Discussion** | Agreement is for the purpose of assigning the State as the City's agent to accept, receive, and distribute funds from the FAA for AIP-25. Agreement has been submitted to Legal for approval. |
| **Cost** | $0.00 |
| **City Manager Recommendation** | Recommend approval. This will be our last payment from the federal government. |
| **Action Taken** | |
| **Requested by** | Cameron Cutler |
| **File Attachments** | St George Co-op for AIP-25.doc |

| | |
|---|---|
| **Approved by Legal Department?** | |
| **Approved in Budget?** | **Amount:** |
| **Additional Comments** | |
| **Attachments** | St George Co-op for AIP-25.doc |

**COOPERATIVE AGENCY AGREEMENT**

THIS AGREEMENT by and between the Aeronautical Operations Division of the State of Utah, Utah Department of Transportation, hereinafter called the "Division", and St. George City, hereinafter called the "Sponsor",

WITNESSETH:

WHEREAS, the Sponsor, with the approval of the Division, intends to apply for Federal Funds in aid of an airport project under the "FAA Modernization and Reform Act of 2012"; and

WHEREAS, under the provisions of Utah Title 72, Chapter 10, Part 3, Federal Airport Funds Act, as amended, the Sponsor appoints the Division its agent for the purpose therein stated,

NOW, THEREFORE, it is agreed by the respective parties: The Sponsor appoints the Division as agent for the Sponsor and the Division agrees to act as agent of the Sponsor for the purpose of accepting, receiving, and receipting for, and disbursing Federal monies and other public monies other than those of the Sponsor made available to finance in whole or in part the planning, construction, and improvement of the **St. George Municipal Airport** in connection with airport project No. **3-49-0060-025-2015.**

Federal regulations require the Utah Department of Transportation to insure audit coverage of all federal funds passing through the Department to other agencies, the Sponsor agrees to provide the Department with an audit report in conformance with the United States General Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities, and Functions; Guidelines for Financial and Compliance Audits for Federally Assisted Programs; Office of Management and Budget Circular A-133, and compliance supplements approved by the Office of Management and Budget. Audit reports in compliance with the above regulations are required for any fiscal year during which costs covered by this agreement are incurred. The audit reports are to be submitted to

the Utah Department of Transportation, Office of Internal Audit, 4501 South 2700 West, Salt Lake City, Utah 84119-5998, within 180 days (6 months) of the close of the fiscal year.

The Division does hereby acknowledge its approval of the Federal Aid for the improvement of the airport. Upon receipt of federal funds under this agreement, the Division shall deposit said funds with the State Treasurer from which a state warrant will be issued to the sponsor.

The sponsor shall process and submit to the Division for its approval and/or execution all proper documents, including the project application, plan set, specifications, applications for payment and project completion documentation.

This Agreement shall remain in full force and effect until the present project for the airport development under the "FAA Modernization and Reform Act of 2012" herein before referred to shall have been either substantially accomplished or abandoned by the Sponsor. It shall not apply to any subsequent or additional projects, nor to any program for development in which the United States does not participate financially.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures and official seals.

_____
City

_____
Mayor (Date)

Attest:

_____
Recorder

(Seal)

State of Utah
Department of Transportation
Aeronautical Operations Division

_____
Director (Date)

Attest:

_____
Division of Aeronautics

**ST. GEORGE CITY COUNCIL MINUTES**
**REGULAR MEETING**
**MAY 21, 2015, 5:00 P.M.**
**CITY COUNCIL CHAMBERS**

**PRESENT:**

**Mayor Jon Pike**
**Councilmember Gil Almquist**
**Councilmember Jimmie Hughes**
**Councilmember Michele Randall**
**Councilmember Joe Bowcutt**
**Councilmember Bette Arial**
**City Manager Gary Esplin**
**Deputy City Attorney Paula Houston**
**City Recorder Christina Fernandez**

**OPENING:**

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Craig Shanklin and the invocation was offered by Rabbi Helene Ainbinder with the Congregation Biet Chaverim.

Mayor Pike mentioned the first George Street Fest on Main will be held on June 5th, from 6:00-10:00 p.m. He then invited the Learning Center for Families to come forward.

Shirley Draper introduced the Learning Center for Families board members and invited Debbie Justice, Executive Director of the Center to come forward. She explained that Leisure Services has agreed to name the sensory garden at the All Abilities Park the Debbie Justice Sensory Garden. They then donated a check in the amount of $10,000 for the All Abilities Park.

Mayor Pike mentioned that Debbie and the Center have provided a generation of services. Additionally, he mentioned that the Center was recognized earlier this week for their contributions to the community statewide.

**FINANCIAL REPORT:**

**Consider approval of the financial report for April, 2015.**

City Manager Gary Esplin advised that revenues in the General Fund are at approximately 80%, expenditures are at 71%; sales tax is hovering around a 6% increase.

**MOTION**: A motion was made by Councilmember Arial to approve the financial report for April, 2015.
**SECOND**: The motion was seconded by Councilmember Almquist.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye

Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**AGREEMENT:**

**Consider approval of an agreement with Rosenberg Associates, Inc. for construction management services on the Dixie Center Erosion Protection project.**

City Manager Gary Esplin explained this agreement is for the project to protect the roadways and sewer water lines near the Dixie Center as part of the erosion protection project. The project cannot start until fall in the River area. He recommends Rosenberg Associates, Inc. who have been the engineers on the project so far.

**MOTION**: A motion was made by Councilmember Almquist to approve Rosenberg Associates, Inc. for the construction management services on the Dixie Center Erosion Protection project for $30,125.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider award of bid for the Little Valley Pickleball Phase 4 project.**

Purchasing Manager Connie Hood advised the low bidder was Progressive Contracting in the amount of $962,215.73 which is under the estimated budget.

City Manager Gary Esplin explained this part of the Master Plan for the Little Valley area.

Councilmember Bowcutt asked if there will be a penalty if the construction time frame is not met.

Parks Planner Millie Cockerill explained that the project is to be finished prior to the Senior Games. She showed a picture of the proposed courts. A significant portion of the contract is grading.

Councilmember Almquist noted that the City is provided 19 trees from the City's tree farm for a savings of approximately $4,000.

Ms. Cockerill stated that they have confirmation that all qualifications have been met.

**MOTION**: A motion was made by Councilmember Almquist to award the bid for the Little Valley Pickleball Phase 4 project and additional items listed on

the engineer's list to Progressive Contracting in the amount of $962,215.73.

**SECOND:** The motion was seconded by Councilmember Arial.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**CHANGE ORDER:**

**Consider approval of a change order for the Washington Fields Trail and Drainage project for the installation of a traffic signal at Mall Drive and 3000 East.**

City Manager Gary Esplin advised this is a change order for the Washington Fields Trail and Drainage project. The bid was awarded to Interstate Rock Products. In order to make things work correctly, staff recommends installing the traffic signal at the same time, using the same contractor. Bids received were similar to those received previously for other traffic signals.

Purchasing Manager Connie Hood stated the cost is $176,216.

City Manager Gary Esplin explained the drainage project cost is $1.6 million. The power is being provided by Dixie Power.

**MOTION**: A motion was made by Councilmember Almquist to provide for Interstate Rock Products the additional cost for a traffic signal on Mall Drive and 3000 East in the amount of $176,216.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin stated the City provides the hardware through the state contract.

**PUBLIC HEARING/ZONE CHANGE/ORDINANCE:**

**Public hearing to consider a zone change from C-2 (Highway Commercial) and R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-C (Planned Development Commercial) on 28.802 acres generally located at the northeast corner of Riverside Drive and Mall Drive from Mall Drive to 2200 East and Riverside Drive to the River. Smith's Food and Drug Center, applicant.**

Planner Ray Snyder showed an aerial map, an obsolete layout, a revised layout, General Plan map, and zoning map. He mentioned and reviewed items included in the agenda packet. The items are a narrative outlining the development, a site plan, elevations, a photo of the store in North Odgen, a site plan for the gas station, a list of permitted uses including Planning Commission recommended changes, a master sign plan, photos of the proposed signs, and pylon and monument sign criteria. The applicant will have to meet City code with regard to trees in the parking lot.

Councilmember Almquist noted the plan shows that the diamonds in the parking lot are small. He suggests at least 6 feet in any direction – giving trees room to grow.

Mr. Snyder showed a page from the development agreement. He read and outlined staff's comments as listed in the agenda packet. The Planning Commission recommends approval with suggested conditions which he also read and outlined the conditions as listed in the agenda packet.

Councilmember Hughes inquired about the future road along the river. He asked why is that pad by itself.

Councilmember Bowcutt mentioned that in the Planning Commission meeting, it seemed that each of the pads were going to provide parking. Without knowing what will be there, how do you plan for parking.

City Manager Gary Esplin explained that the uses will have to be controlled; that is why a PD zone is good in this location.

Deputy City Attorney Paula Houston noted that this will go on for years. Mr. Snyder will keep a chart to keep track of how many stalls will be required. She provided examples of parking issues that have occurred. They can return and ask for a reduction in parking.

Councilmember Almquist inquired about landscaping. He suggested the following:

- #4 on the Planning Commission recommendations; he suggested it mirror #17 on staff's comments
- #7 on the Planning Commission recommendations; he suggested staff encourage that a local landscape architect be included in the landscaping plans
- #9 on the Planning Commission recommendations; he noted that there is quite a bit of elevation change on the west side of the dinosaur museum that will require some sort of a wall. It does not to appear to show on the rendering.

Brett Whalen, representing the applicant, explained that when they made the application the property owner was working with Woodbury Corporation in a joint venture. There is great anticipation to move forward. Smith's has completed three Marketplace stores that have been well received by the communities. Additionally, there has been a significant amount of effort to have a project that can move forward. He explained that as Riverside Drive abuts to Mall Drive, they will make sure there is adequate site distance. As far as the diamonds planters and landscaping go, his firm will be performing the landscape architect. They will be glad to provide a list of where they have had successes. Building colors will be earth tones. Although they have not completed the final design, entrances at their other projects have been enhanced with raised planters and trees.

City Manager Gary Esplin noted that Parks Planning staff will review the landscape plans. He clarified that the signs can be approved through the PD zone so that the Council can see what they look like.

Mayor Pike opened the public hearing.

Kendall Clements, resident, inquired about the pad and why the road shifted.

Mr. Whalen explained that while working with City staff on the traffic, it was recommended that the road shift.

Mr. Clements commented that he lives in the community and looks forward to seeing this development.

Mayor Pike closed the public hearing.

**MOTION**: A motion was made by Councilmember Almquist to change the zone from C-2 and R-1-10 to PD-C on 28.802 acres generally located at the northeast corner of Riverside Drive and Mall Drive from Mall Drive to 2200 East and Riverside Drive to the River with the requested information in the agenda packet including items #1-15 of the Planning Commission and the amended heights that were presented and the signage as has been explained under the requirements of PD-C zone and also to make sure that #4 on the Planning Commission recommendations mirror the language of #17 on staff's comments.

**SECOND**: The motion was seconded by Councilmember Randall.

**VOTE**: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

Councilmember Almquist noted that the elevation change between the dinosaur museum property and Smith's should be addressed.

City Manager Gary Esplin explained that that will be addressed throughout the process.

**PUBLIC HEARING/ZONE CHANGE/ORDINANCE:**

**Public hearing to consider a zone change from A-1 (Agricultural) to R-1-8 (Single Family Residential 8,000 sq. ft. minimum lot size) on 20.66 acres generally located in Little Valley, east of 3000 East Street and north of the logical extension of Crimson Ridge Drive. Development Solutions Group, applicant.**

Planner Ray Snyder presented the request for a zone change from A-1 to R-1-8. He showed a vicinity map, aerial map, General Plan map, zoning map, and a map showing the zone change request. Planning Commission recommends approval.

Steve Kamlowski, representative, stated that this zone change matches the area well.

Councilmember Almquist inquired about the parks that are part of their commitment to the City.

City Manager Gary Esplin advised the park has been ongoing discussion. There is no agreement on where the parks will be and should not affect this zone change.

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

Councilmember Almquist suggested after the zone change, a request for upsizing the utilities and pipes in that area should be discussed.

City Manager Gary Esplin commented that the lines have been upsizing based on the General Plan.

Councilmember Hughes asked how many homes will be built on the property.

Mr. Kamlowski replied approximately 65 homes.

Councilmember Hughes mentioned that he is concerned about building smaller as there are a limited on number of roads over the river.

**MOTION**: A motion was made by Councilmember Randall to approve the zone change from A-1 to R-1-8 on 20.66 acres in Little Valley, east of 3000 East Street and north of the logical extension of Crimson Ridge Drive.

**SECOND**: The motion was seconded by Councilmember Arial.

**VOTE**: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin noted that A-1 is a misnomer for the property as it has never had water or been a farm. Traffic is the concern; Little Valley residents are restricted just as they are in Green Valley.

**PUBLIC HEARING/BUDGET AMENDMENTS/RESOLUTION:**
**Public hearing to consider amendments to the FY2014-2015 Budget.**

City Manager Gary Esplin advised the proposed amendments to the 2014-15 fiscal year budget are as follows: 1)To budget for the 2014 Heads Up Thumbs Up (HUTU) grant which overlaps both of the 2014 and 2015 fiscal years. This budget opening accounts for funds carried forward from FY2014 to be expended in this current fiscal year; 2)To budge for a State of Utah Alcohol Drug Free Committee grant to purchase 3 in-car video camera systems; 3)To budget for the replacement of the volleyball standards at the Recreation Center with portable volleyball standard; and to also increase Youth Sports Revenues closer to anticipated final amounts for the year; 4)To budget for a donation from the Stephen Wade Foundation Grant to provide uniforms and trophies to youth sports participants; and to increase the expenditure budgets accordingly to accommodate the expenses; 5)To budget for receipt of a donation from Sun River to fund musical performances on the West Jazz Stage during the Art Festival; 6)To budget for a part-time receptionist at the City Commons building; 7)To budget for the Finance Director's retirement which was unanticipated and not included

in the budget; 8)To budget for renovations to the men's and women's restrooms at the Dixie Academy building to make the stalls and sinks ADA compliant; 9)To budget for reimbursement from UDOT for City Street crews and materials to repair the concrete drainage ditch on Bluff Street; 10)To budget for purchases of merchandise and snack bar goods to accommodate opening the pro shop and snack bar at each of the City's golf courses; 11)To budget to install a membrane roof system on the City-owned building located at 1506 S. Silicon Way in the Tonaquint Hills Business Park (DXATC building); 12)To increase the budget for the audit costs allocation being greater than anticipated; 13)To increase the budget for trustee fees, audit fees, and arbitrage fees being greater than anticipated; 14)To re-budget for the City's participation in the Milepost 8 improvements and 1000 E. St. George Blvd. intersection improvements as previously budgeted for in Fiscal Year 2013. UDOT is now ready to invoice the City for our commitment; 15)To budget for design engineering for the River Road bridge improvements and widening. Design will commence this current fiscal year with construction in fiscal year 2015-16. Primary funding will be provided by unspent funds from the 2009 Sales Tax Revenue Road Bonds; 16)To budget for this year's estimated design, engineering and construction progress payments for the Little Valley Pickleball Courts funded by future RAP Tax revenues with a temporary advance from the Economic Development Fund; 17)To increase the St. James Trailhead budget as actual bids exceeded engineer's estimates and to also fund the costs to bring irrigation water and power to the site. Funding is provided by Impact Fee revenues anticipated to be greater than the budgeted amount; and 18)To increase the budget for the Brigham Road Detention Basin Park to accommodate design, engineering, and geotech fees expected to be incurred this current fiscal year.

Mayor Pike inquired about the rent paid on the DXATC building. He asked if the funds received goes back economic development funds, which was used to pay for the building.

City Manager Gary Esplin explained that the funds do go back into that fund; however some of the money was put into the General Fund to sponsor some of the economic development activities. He mentioned that the first RAP Tax check was received for $200.

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

**MOTION**: A motion was made by Councilmember Arial to approve the amendments to the FY2014-2015 Budget.
**SECOND**: The motion was seconded by Councilmember Randall.
**VOTE**: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**ZONE CHANGE/ORDINANCE:**
**Consider approval of an ordinance vacating a portion of a maintenance easement that crosses the west 15 feet of lot 13 of Sundown Estates. Barbara Crossley, applicant.**

Assistant Public Works Director Wes Jenkins presented the request to vacate a portion of a maintenance easement that crosses lot 13 of Sundown Estates. When Sundown Estates was recorded, the City required an easement on the west side. The applicant has spoken with the adjacent property owner who has agreed to move the easement onto their property.

**MOTION**: A motion was made by Councilmember Hughes to approve the ordinance vacating the west 15 feet of lot 13 of Sundown Estates easement.

**SECOND**: The motion was seconded by Councilmember Bowcutt.

**VOTE**: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**SET PUBLIC HEARINGS:**

Planner Ray Snyder advised that at it meeting on May 12, 2015 the Planning Commission recommended setting public hearings on June 4, 2015 to consider: 1)A zone change amendment request on one acre of property zoned PD-C to accommodate the future development of a Sprinkler Supply wholesale/retail store on property generally located east of the I-15 freeway and north of 300 South Street; 2)A zone change request to rezone on: 1.695 acres from C2 to PDR; 0.412 acres from PDR to C2; and 0.412 acres from C2 to PDR to accommodate future residential development of Desert Crest generally located at the southeast corner of Desert Canyons Parkway and the Southern Parkway; and 3)A General Plan amendment from COM to MDR on approximately 7.89 acres generally located at the northeast corner of Brigham Road and Desert Hills Drive to allow for the future submittal of a zone change for Desert Hills Townhomes.

**MOTION**: A motion was made by Councilmember Randall to set the public hearings for June 4, 2015.

**SECOND**: The motion was seconded by Councilmember Hughes.

**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**HILLSIDE PERMIT:**

Planning and Zoning Manager John Willis presented the request for an amendment to a hillside permit. The property located at Nevada Drive and 3000 is approximately 34.58 acres and is zoned PD-R. He showed several maps and explained that they are requesting to connect two cul-de-sacs in order to improve connectivity and address sewer depth. The hillside ordinance requires all major development on slopes above

20% requires a hillside development permit. They are within the required hillside disturbance; however, there is a small wash the applicant is requesting not be included in the determination. He read the portion of the ordinance that applies to washes. The applicant believes the area meets the criteria. The Hillside Review Board and Planning Commission have reviewed and recommend approval. He then showed pictures of the site.

**MOTION**: A motion was made by Councilmember Almquist to approve the amended hillside development permit for Red Cliffs Park.
**SECOND**: The motion was seconded by Councilmember Bowcutt.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**HILLSIDE PERMIT:**

Planner Ray Snyder presented the request for a hillside development permit to allow for the removal of isolated noncontiguous and insignificant slopes to allow development of multi-family apartments. The property is located directly north of the electrical substation at Riverside Drive and 1990 East Street and is south of the Rebel Creek Apartments and is approximately 6.84 acres. He showed a vicinity and site map, aerial views of the site, zoning map, General Plan land use map, a slope table, a slope legend, plans, a geotechnical report, and photos of the area. He mentioned the applicable ordinances and read staff comments, Hillside Review Board motion, additional comments and Planning Commission comments and motion as listed in the agenda packet. Approval is subject to review of the Legal Department and a donation agreement as offered by the applicant. The applicant requests that acceptance of the donation of land come with the stipulation by the City that no future development occur on the approximate 32.02 acres.

Councilmember Hughes inquired about the donation agreement. He asked if the City wanted the property and what the liability was if a rock were to fall.

Councilmember Almquist mentioned that it was made clear on site that they are two separate items.

Deputy City Attorney Paula Houston advised that the City's position is that it does not have liability as long as the City has not altered the area in anyway. Although they are two separate parcels, if the City Council would like to consider them together, they can, but they do not have to.

City Manager Gary Esplin commented that he feels it needs to be in a separate motion. Further development would not be considered without having a resolution accepting the property in place. In the past, the City has accepted hillsides; however, he agrees with Deputy City Attorney Paula Houston with regard to liability to the City. There will always be a potential liability.

**MOTION**: A motion was made by Councilmember Hughes to approve the recommendations of the Hillside Review Board to remove the isolated

and insignificant slopes on approximately 6.84 acres as presented and do not include the donation agreement.

**SECOND:** The motion was seconded by Councilmember Arial.

Deputy City Attorney Paula Houston noted that the motion should clarify that the approval is based upon the fact that the other property is being considered as the percentages that makes it okay to grant the variance.

**AMENDED MOTION:** Councilmember Hughes amended his motion to include Ms. Houston's note.

**SECOND:** The amended motion was seconded by Councilmember Arial.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

Councilmember Almquist mentioned that it would serve well to have Deputy City Attorney Paula Houston review an issue that came up while the Hillside Review Board was on site. He explained the expertise the Hillside Board includes and noted that he is a non-voting member of the Board. One of the members needed to clarify their status for voting. He asked Deputy City Attorney Paula Houston to explain the parameters of the board members.

Deputy City Attorney Paula Houston pointed out that there may have conflicts of interest on any board or committee. That may be ownership or contractual interest in the property. Under state law, the member is required to declare the conflict; they do not have to remove themselves. In her experience, those with a conflict always choose to recuse themselves.

Councilmember Almquist noted that one of the representatives was under contract to provide information to the applicant. That member recused himself and did not participate.

Mr. Jenkins clarified that the applicant has a building design conceptual site plan and a conditional permit that will be coming to Council soon. He hopes the donation will not hold that up.

**PRELIMINARY PLAT:**

Assistant Public Works Wes Jenkins presented the preliminary plat for The Villas at Cottam Ridge, a 60-lot residential subdivision located at River Road and 1850 South; zoning is PD-R. He pointed out that the main access is off River Road. Originally, the applicant proposed to only do the south half of the access. Staff requested the entire access be completed further. The lots along River Road will be double fronting lots with landscape strips that will be maintained by the HOA. The proposal is to run irrigation lines to irrigate vegetation and remove the dead vegetation. He showed pictures of the dead vegetation.

Councilmember Almquist mentioned that it is a fire risk and it has never been cleaned out. Maybe irrigating the trees will make them healthier.

Councilmember Hughes asked if there is there a way to make it accessible.

Mr. Jenkins stated that staff looked at that. They will need to provide access because it will need to be maintained.

City Manager Gary Esplin explained that when the final plat is approved, the developer will need to have a plan and address how they will maintain it. The plan will have to be reviewed by Parks Planning staff.

Councilmember Bowcutt asked about a written agreement that allows the drainage to run across Howard Cottam's property.

City Manager Gary Esplin noted that there is already an prescriptive easement.

Deputy City Attorney Paula Houston explained that if it is made into a ditch and the water is being directed to a certain point there could be a problem.

Mr. Jenkins stated that there is already a ditch that is filled in.

Deputy City Attorney Paula Houston advised since this is a preliminary plat for the layout, the Council is not approving ditch or draining issues.

**MOTION**: A motion was made by Councilmember Hughes to approve the preliminary plat for The Villas at Cottam Ridge.
**SECOND**: The motion was seconded by Councilmember Arial.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**LOT SPLIT:**

Assistant Public Works Director Wes Jenkins presented a request for a lot split of a vacant industrial lot located between developed parcels at 389 North and 477 North Industrial Road; zoning is M-1. The lot split will divide the property approximately down the middle leaving a parcel to the north and a parcel to the south.

**MOTION**: A motion was made by Councilmember Hughes to approve the final plat amendment to split the lot.
**SECOND**: The motion was seconded by Councilmember Randall.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

**SALE OR TRADE OF EXCESS CITY PROPERTY**

**Consider the sale or trade of excess City property located on the hillside above 2734 South Escalante Drive. Bob Anderson, applicant.**

Economic and Housing Development Director Matt Loo advised that the property owner has approached the City to inform them that his property has encroached onto City property. He mentioned the photos of the property which are included in the agenda packet and noted that the applicant installed a wall to mitigate drainage issues. He explained that property deemed excess City property has been sold to the property owner at $1.50 per sq. foot.

Councilmember Bowcutt asked in a normal situation, would the City be responsible to take care of the runoff water.

Deputy City Attorney Paula Houston advised the City would not be responsible for the runoff water since it was natural.

City Manager Gary Esplin explained when the building was built; it was the homeowner's obligation to protect their property. The City can recognize that by building the wall, the applicant has benefitted neighbors and the City and discount the cost per sq. foot.

**MOTION**: A motion was made by Councilmember Hughes to accept the wall as trade and discount the price to $1.00 per sq. foot.

**SECOND:** The motion was seconded by Councilmember Almquist.

Deputy City Attorney Paula Houston advised that there is not a purchase agreement at this time. Staff will work on that and bring it back for approval.

**AMENDED MOTION**: Councilmember Hughes amended his motion to make the offer to Mr. Anderson to purchase the property for $1.00 per sq. foot.

**SECOND:** The amended motion was seconded by Councilmember Almquist.

Councilmember Bowcutt added that he wishes it was $.50 per sq foot.

Mayor Pike agreed.

Councilmember Bowcutt asked for clarification on the motion.
City Manager Gary Esplin explained that staff will make an offer to Mr. Anderson to purchase the property for a discounted price of $1.00 per sq. foot, recognizing the improvement that he has made.

Councilmember Hughes stated that the total price will be $5,900.

City Manager Gary Esplin advised that Council has to look at the precedent since that is what has been done in the past.

**AMENDED MOTION**: Councilmember Hughes amended his motion that in light of the fact that Mr. Anderson has spent over $14,000 controlling the flood, the Council will give him the opportunity to purchase the property for $1.00 per sq. foot.

**SECOND**: The motion was seconded by Councilmember Almquist.

**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – nay
Councilmember Arial – nay

The motion carried.

Councilmember Bowcutt commented that he is in favor of working it out but the $1.00 is too high.

**MINUTES:**

**Consider approval of the minutes from the meeting held on March 26, 2015.**

**MOTION**: A motion was made by Councilmember Almquist to approve the minutes from the meeting held on March 26, 2015.

**SECOND**: The motion was seconded by Councilmember Hughes.

**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on April 2, 2015.**

**MOTION**: A motion was made by Councilmember Arial to approve the minutes from the meeting held on April 2, 2015.

**SECOND**: The motion was seconded by Councilmember Almquist.

**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:**

Deputy City Attorney Paula Houston mentioned voting centers.

Mayor Pike explained that there may be a primary election held on August 11, 2015. There have been some issues with getting schools lined up for that election. There is an option to have voting centers rather than polling locations, which would be fewer locations geographical. He suggests considering going that route as it will save the City about half the cost.

Deputy City Attorney Paula Houston advised the Council will have to vote on it.

City Manager Gary Esplin added that it may be easier because voters can go to any voting center to vote.

Mayor Pike suggested the request be put on the agenda for next week. He told the City Recorder to move toward that option. He then mentioned that he attended the DTEC meeting; they would like City's to look into HB362, the local transportation tax. If the City is interested in getting that on the ballot for this year, the City Council needs to adopt a resolution.

Councilmember Hughes commented that a discussion needs to take place about the ramification if all Counties do not pass it.

City Manager Gary Esplin stated that the funds are point of sale and explained how the funds are split. It has to pass countywide.

Mayor Pike mentioned which Counties he knows that may support this. The good thing is that the voters get to vote on this. If approved, it will allow the City to expand transit much more.

Councilmember Hughes noted that the Animal Shelter Board is doing well.

Councilmember Randall mentioned that the Shade Tree Board needs two new members.

Councilmember Arial stated that the Arts Commission has suggestions for new board members.

Councilmember Randall commented on May 29 at 2:00 p.m., the Veteran's Home in Ivins will be placing an eagle monument at the home.

Councilmember Arial stated that the Art Museum is changing their display to a western display. Next year, they will coincide that with the rodeo.

City Manager Gary Esplin mentioned the employee art exhibit taking place at the City Commons Building.

Mayor Pike mentioned that Sunset on the Square movies begin tomorrow. It will be a bike in event since the previous event was cancelled.

**ADJOURN:**

**MOTION**: A motion was made by Councilmember Almquist to adjourn.
**SECOND**: The motion was seconded by Councilmember Randall.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

_____
Christina Fernandez, City Recorder

**ST. GEORGE CITY COUNCIL MINUTES**
**REGULAR MEETING**
**JUNE 4, 2015, 5:00 P.M.**
**CITY COUNCIL CHAMBERS**

**PRESENT:**

**Mayor Jon Pike**
**Councilmember Gil Almquist**
**Councilmember Jimmie Hughes**
**Councilmember Michele Randall**
**Councilmember Joe Bowcutt**
**Councilmember Bette Arial**
**City Manager Gary Esplin**
**City Attorney Shawn Guzman**
**City Recorder Christina Fernandez**

**OPENING:**

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Miss St. George Princess Emily Theobald and the invocation was offered by Tim Martin Secretary of the Interfaith Council.

Mayor Pike introduced the Miss St. George Royalty, Princess Emily Theobald, 1st Attendant Dakota Stevens, 2nd Attendant Madison Baldwin, and Miss Congeniality Mandee Rogers. He then mentioned next week's meeting will be cancelled. The Veteran's Honor Flight departed for Washington D.C. this morning; they anticipate returning home this Saturday evening. Tomorrow evening will kick off the First Friday George Streetfest downtown. On June 13th, the Firehose Frenzy 5k will take place as part of the annual Fireman's Convention being held here. The 5k will benefit the Utah Burn Camp. He then read portions of a press release naming St. George Leisure Services Department as a finalist in the 2015 National Gold Medal Award for Excellence in Park and Recreation Management. Winners will be announced in the fall; this is the second year the City was nominated.

City Manager Gary Esplin advised that with regard to item 2A, there have been issues with noticing and specifications; therefore, it will be re-noticed and start the process over.

**COMMENTS FROM THE PUBLIC:**

Mayor Pike reviewed the rules for those who wish to speak.

Steven Palmer asked the Council to discuss the City code pertaining to airbnb's. He understands the concerns of the community as there have been legitimate concerns in the past. Mr. Palmer stated that he would like to take part in the discussion.

Mayor Pike proposed to have a discussion at the July 9th work meeting.

Ray Snyder commented that the next comment will be listed as a public hearing on the June 18th agenda.

Mayor Pike stated that neighbors will be notified of the public hearing.

Ailene Chambers, part time resident, stated her concern is that the allowable building height is presently 35'. When the Planning Commission and City Council are asked to increase height, depending on what the development is, they should consider density as being a major factor in their decision.

**AWARD OF BID:**

**Consider approval to hire a construction manager/general contractor to manage all remaining construction tasks for the All Abilities Park.**

City Manager Gary Esplin explained that several proposals were received and reviewed by staff. The recommendation is to hire Bud Mahas at a 7% construction fee. The construction manager will coordinate the activities of each contractor. The cost is approximately $42,000. The agenda packet states that a bid was received for 4 3/4; however it did not include all of the responsibilities and requirements for insurance. When it was clarified, they amended their bid to 8 3/4%, which is why the low bidder is Bud Mahas.

Leisure Services Director Kent Perkins explained that the bids were based upon a percentage of the cost of the work to be managed. The actual number against the estimates is $148,000 which includes bonding, insurance and general conditions such as restrooms, dumpsters and cleaning up the site.

City Manager Gary Esplin stated that someone needs to be there to manage the project to get it done in a timely manner.

Councilmember Almquist commented that this is a community project. He inquired if the bidders are aware that they will also coordinate projects. At one point there may be a number of volunteers.

City Manager Gary Esplin noted that the manager will coordinate construction activity. There are funds in the approved budget allocated for construction management.

Leisure Services Director Kent Perkins explained the final figure will be approximately $148,000. There is a chance of additional donations; therefore, the cost may change.

**MOTION**: A motion was made by Councilmember Arial to approve the hiring of a construction coordinator/manager/general contractor, Bud Mahas, to manage the remaining construction tasks at the All Abilities Park at 7%.

**SECOND:** The motion was seconded by Councilmember Almquist.

Councilmember Almquist commented that Bud Mahas has interest in St. George as well. They have managed large projects. To have their expertise is a gift.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE 2015-16 FISCAL YEAR:**

**Consider approval of staff's recommendations for Community Development Block Grant funding for the 2015-16 Fiscal Year.**

City Manager Gary Esplin outlines staff's recommendation as follows: 1)$80,000 to St. George City to administer the program; 2)$350,000 for Homeless Housing for a new homeless shelter (SwitchPoint); 3)$35,000 for Red Rock Center for Independence for their kitchen remodel; 4)$35,000 for TURN Community Services for TURN rehab; and 5)$25,000 for the Utah Food Bank for Safety and Capacity Building.

**MOTION**: A motion was made by Councilmember Randall to approve staff's recommendations for the Community Development Block Grant funding for the 2015-16 Fiscal Year.

**SECOND**: The motion was seconded by Councilmember Almquist.

**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/STREET VACATION/ORDINANCE:**

**Public hearing to consider a public street vacation at the rear of the property located at 324 and 302 West Hilton Drive. Stephen Wade, applicant.**

City Manager Gary Esplin advised there is a map behind City Attorney Shawn Guzman. This item has been very complicated. He explained years ago, there was an old road that served as the main access for the west side of the City. When the sewer outfall line was built, connecting Santa Clara, there was a line and a roadway easement. Since the road was abandoned, some of the easement and right-of-way were included in some deeds but not others. In an effort to clear everything up, this public hearing it taking place to vacate any rights the City would have. He noted that the map shows City ownership. Any vacations would be subject to the applicant recognizing the easements contained in their property. It is the responsibility of the property owner to take care of the sewer line.

City Attorney Shawn Guzman clarified that the lines are transite lines which contain asbestos. If removed, they would have to do so in accordance with environmental laws.

Mayor Pike opened the public hearing.

Nicholas Turner, with Gary Kuhlman & Associates, advised that he represents Mr. Painter, one of the concerned property owners. Any construction or change in the toe of the slope could present a slide. If there is any construction done, he asked that it be done in accordance with state and municipal law, and that it not disturb or

damage his client's property. It is not a small concern. His client believes that if work is done, there will be consequences that will be very expensive.

Councilmember Hughes asked Mr. Turner if he is objecting to the vacation.

Mr. Turner stated that their office has been conversing with the Legal Department about this request. He noted that this is their major concern.

City Manager Gary Esplin commented that staff understands their concern. The property not being properly vacated has been a problem. Staff has had discussions with Mr. Wade regarding his plans to build in the area. Ordinances will be followed. The only issue that Mr. Wade had with his engineers is the location of the wall. The property on the map colored in pink is owned by the City.

Mayor Pike closed the public hearing.

City Manager Gary Esplin explained the pink and yellow highlighted portions of the map included in the agenda packet. The title company shows the pink as being owned by the City; the yellow is not titled to anyone. At some point the City assumed it had the right to be in that area. By vacating all of the City's interest, it relieves the City of any issues with regards to the right-of-way. With regards to Mr. Painter's concerns, that issue would be addressed in the building process. All of the property will be vacated, transferring the pink property to Mr. Wade with the caveat that the property owner is responsible to take care of the pipe, if any is located within the property. He explained that the title to the property was given to the City by the adjacent property owner. If it were vacated, it would revert back to the original property owner.

**MOTION**: A motion was made by Councilmember Hughes to vacate the public street at the rear of the property located at 324 and 302 West Hilton Drive.

**SECOND:** The motion was seconded by Councilmember Arial.

City Manager Gary Esplin noted that it does not clarify any interest in the old roadway from Indian Hills Drive to Black Ridge Drive. He asked that the motion include that the City vacates its interest in any other properties from Indian Hills Drive to Black Ridge Drive.

**AMENDED MOTION**: Councilmember Hughes amended his motion to include that the City vacates its interest in any other properties from Indian Hills Drive to Black Ridge Drive.

**SECOND:** The amended motion was seconded by Councilmember Arial.

Councilmember Bowcutt clarified if Mr. Wade is in favor of assuming the responsibility of the pipe lines that may or not be there.

Mr. Wade replied yes.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye

Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:**
**Public hearing to consider a General Plan Amendment from COM (Commercial) to MDR (Medium Density Residential) on approximately 7.89 acres generally located at the northeast corner of Brigham Road and Desert Hills Drive. SITLA, applicant.**

Planner Ray Snyder presented a request for a general plan amendment. He showed a graph used by the Planning Commission, aerial maps, zoning map, general plan – site map, and final plat – 2 lot commercial subdivision. Tonight's request is to take the proposed area and change it to MDR. In the future, they will return to request a zone change. He showed photos of the area and mentioned that the Planning Commission recommends approval.

Councilmember Almquist asked if a traffic study will be requested.

Planning & Zoning Manager John Willis replied no. The preliminary design provided is shows approximately 80 units. A traffic study is asked for when changing to commercial zoning.

Mayor Pike opened the public hearing.

Kevin Taylor, resident, stated that he is a board member of the Hidden Valley Heights Owners Association. They would like more information than what was provided. Their biggest concern is that these will be apartments or government subsidized housing. It does not appear to be the case; it looks like townhomes. They would like to see something that is compatible to what is there now. He asked that they be informed of the details as they become available. So far they see it as a plus.

Mr. Willis explained that currently the zoning is Planned Development Residential, but they are requesting Medium Density Residential which is in line with the area. The elevations and site plan

Councilmember Almquist, although the applicant is SITLA, there is some mention Ivory Homes; therefore he withdrew his participation as he is currently performing work for them. He left the meeting.

Stacy Young, representing the applicant, stated that he would be happy to contact Mr. Taylor and his board.

Mayor Pike closed the public hearing.

**MOTION**: A motion was made by Councilmember Hughes to approve the General Plan amendment from Commercial to Medium Density Residential on approximately 7.89 acres.
**SECOND**: The motion was seconded by Councilmember Bowcutt.
**VOTE**: Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Randall – aye

Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/ZONE CHANGE/ORDINANCE:**

**Public hearing to consider a zone change to rezone: 1) 1.695 acres from C2 (Highway Commercial) to PDR (Planned Development Residential); 2) 0.074 acres from PDR to C2; and 3) 0.412 acres from C2 to PDR on property generally located at the southeast corner of Desert Canyons Parkway and the Southern Parkway. Development Solutions Group, applicant.**

Planner Ray Snyder presented the request for a zone change to rezone property generally located at the southeast corner of Desert Canyons Parkway and the Southern Parkway. He showed an aerial map and zone change map.

Councilmember Almquist returned.

Mr. Snyder noted that the Planning Commission did not have a lot of discussion and recommend approval.

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

**MOTION**: A motion was made by Councilmember Randall to approve the zone change for: 1) 1.695 acres from C2 to PDR; 2) 0.074 acres from PDR to C2; and 3) 0.412 acres from C2 to PDR on property generally located at the southeast corner of Desert Canyons Parkway and the Southern Parkway.

**SECOND**: The motion was seconded by Councilmember Almquist.

**VOTE**: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/ZONE CHANGE/ORDINANCE:**

**Public hearing to consider a zone change amending the PD-C (Planned Development Commercial) zone on one acre of property generally located east of the I-15 Freeway and north of 300 South Street to accommodate the future development of a sprinkler supply wholesale/retail store. Mike Canning, applicant.**

Planner Ray Snyder presented the request for a zone change amendment for Sprinkler Supply, a retail store. He outlined the items included in the agenda packet including an aerial map, zoning map, revised layout – May 5, 2015, Planning Commission Review & Comments. The Planning Commission recommends approval with conditions. He showed a colored site plan, elevations, photos of the area, covered storage, Alternate #2 and Alternate #3, also included in the agenda packet. The applicant proposed chain link fence; however, because they plan to store items

outside, the Planning Commission prefers a solid block wall. He addressed staff's comments and outlined the suggestions/comments from the Planning Commission as listed in the agenda packet.

Mayor Pike asked about the fencing on the north.

Mr. Snyder explained that it was determined that it should be a solid fence. He does not believe there is anything that says it cannot be metal; however, the Council has the option to say whether the materials work. He mentioned that the agenda packet includes photos of their other properties.

Planning & Zoning Manager John Willis stated that originally staff was concerned about the location. Additionally, they were concerned with the building looking like a compound. This is a unique site because it is adjacent to residential zoning. Alternate #3 is what staff recommended to the Planning Commission.

Mayor Pike opened the public hearing.

Stephen Wade, resident, stated that they are great neighbors. Their property is clean and nice. This proposal will be an asset.

Mayor Pike closed the public hearing.

City Manager Gary Esplin explained that the reason staff is recommending this because if the wall is put up and you do not see the building. Staff's concern was it would look like an industrial property.

Mayor Pike commented because this is a Planned Development zone, what is seen is what will be.

City Manager Gary Esplin asked why the applicant is not here.

Mr. Willis stated that the applicant was informed of the public hearing. At the Planning Commission meeting, the item was tabled. The Planning Commission recommended they look at what staff came up with; however, the applicant was not interested in taking staff's recommendation.

Kent Worthington, representing the applicant, explained that the storage area will have 20' long PVC pipe. If alternate #3 is approved, it will impede their ability to move that pipe and be an issue for large trucks. They have a main warehouse in West Jordan; once a week, a large truck will deliver to this location.

City Manager Gary Esplin asked if alternate #3 give their trucks enough room for the day to day operations.

Mr. Worthington stated that it would be enough room; however, it would impede the ease of moving the pipe. It would be nice to have the building in the back.

Councilmember Almquist explained that at some point, the landscape plan will need to be addressed. Plans are drawn up north and will not work in this area. The trees suggested will not be good for that location and the plant list is more problematic. He strongly suggests that the landscape plan be revisited with either a local landscape architect or by bringing the company providing the plan to the area.

Councilmember Randall commented they are in a great location right now. They are busy in the morning. She does not think the location is good as she is concerned with the apartments being right there.

Councilmember Hughes asked Councilmember Bowcutt if there were issues with that at the Planning Commission meeting.

Councilmember Bowcutt noted that issue was not a big a concern. Neighbors to the east were concerned more about the height. He does not recall much said about traffic. Nearby property owners were notified of the public hearing.

City Manager Gary Esplin stated the location of the property is a bit of a concern. The use can work there; however, it is a bit off the commercial track. This is tough piece of property to develop.

Mayor Pike commented looking at the photos, there are few accesses to the residential areas.

Councilmember Bowcutt noted that he is concerned that if Council recommends Alternative #3, what that does to the original design. He asked if the applicant will have to start all over again. The applicant is presenting one thing and staff is proposing something else.

City Manager Gary Esplin explained that the applicant can return with a modified plan for reconsideration. Because it is zoned Planned Development, Council has to approve the site plan.

City Attorney Shawn Guzman stated that he does not feel it will be a significant change. Anyone with a Planned Developoment Commercial zone can request changes.

City Manager Gary Esplin noted that they know their business. If it creates a problem with their business, the Council may not want to add more regulations.

City Attorney Shawn Guzman clarified because a Planned Development Commercial zone there is no waiting period. The item can be tabled.

Councilmember Bowcutt commented that the Planning Commission tabled the request in the past. There is no difference as when it first started.

City Manager Gary Esplin explained that the hearing can be continued allowing staff to work with the owner to see exactly what the opposition would be and discuss Council's concerns.

Councilmember Almquist mentioned that they also make deliveries. He asked staff if it is against code to choose alternative #2.

A discussion took place regarding alternative #2, which includes suggestions from the Planning Commission.

Councilmember Bowcutt asked staff to clarify where the fencing will be required.

Mr. Snyder explained that it will be required along the freeway, 300 South and along the top. The material being recommended will be on all three sides and the front.

**MOTION**: A motion was made by Councilmember Arial to approve the zone change amending PD-C zone on one acre of property generally located east of the I-15 Freeway and north of 300 South Street to accommodate the future development of a sprinkler supply wholesale/retail store as the applicant proposed with the stipulations of the Planning Commission.

**SECOND**: The motion was seconded by Councilmember Bowcutt.

**VOTE**: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/AMEND CITY CODE/ORDINANCE:**

**Public hearing to consider amending Title 9, Chapter 13 of City code pertaining to off premises signs. City of St. George, applicant.**

Planning & Zoning Manager John Willis presented the request to amend Title 9, Chapter 13 of City code pertaining to off premises signs. He explained that on December 4, 2014, the Council approved a temporary ordinance prohibiting new off premises signs. Currently, the sign code regarding conversion of static off premises signs to electronic message signs does not address several potential issues. He read the proposed changes to the ordinance as outlined in the agenda packet.

Councilmember Bowcutt inquired if the sign companies have the ability to perform the requirements in the proposed ordinance.

Mr. Willis replied yes, sign companies have the ability to follow the proposed requirements. The 1,500 foot distance requirement applies to any sign, whether digital or standard, is currently in the code. What is being changed is the distance between residential from static and digital billboards. It was found that most communities require 300-500 feet.

City Attorney Shawn Guzman stated that in the past, ULCT has asked for 500 feet, however, they came up with a 300 foot compromise after working with sign companies.

Councilmember Almquist commented that he is concerned that residential zones where it is unbuildable, maybe a hillside. It may make more sense for the ordinance to say that the distance is 300 feet from a residence if the residential zone is unbuildable.

City Attorney Shawn Guzman stated that staff can work on that with the sign companies. Another good example is the YESCO billboard near 700 South. On the digital face headed southbound, it does not affect the residents. That billboard has less light than the parking lot lights adjacent to it. There have already been discussions on some of these issues.

Councilmember Almquist asked if they should take more time.

Mayor Pike opened the public hearing.

Terry Reid, resident, explained that he has been in the outdoor advertising business for approximately 35 years. He has been involved in the majority of sign ordinances written in Utah. In his experience, the percentage of signs to population has decreased. They are trying to protect their clients. When the moratorium was passed, it was for digital billboards. To remove the 500 foot distance at interchanges makes more signs non-conforming. He would like to be more accommodating, but could not because the ordinance is too conforming. There needs to be language that allows a digital sign that minimizes the impact on residential homes rather than an arbitrary number. He believes more time is needed to review this proposal.

Mike Hallum, with YESCO, stated that they support continuing the public hearing so they can voice their concerns to staff.

Weston Saunders, with Saunders Advertising, also supports the opportunity to continue discussions and draft something that works for everybody.

Mayor Pike continued the public hearing.

City Attorney Shawn Guzman mentioned a letter received from Wade Budge. He suggested the hearing be continued to the June 18th.

Councilmember Bowcutt commented that it is tough to imagine the 500 foot versus 1,500 feet. He would like the Council visit some signs to see examples.

**MOTION**: A motion was made by Councilmember Hughes to continue the public hearing to June 18, 2015.
**SECOND**: The motion was seconded by Councilmember Almquist.
**VOTE**: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

Mayor Pike called for a short recess.

**PUBLIC HEARING/ADOPT FISCAL YEAR 2015-16 BUDGET/RESOLUTION:**
**Public hearing to receive public input on the Fiscal Year 2015-16 Budget**

Mayor Pike opened the public hearing. There being no comment, he continued the public hearing to June 18th.

**MOTION**: A motion was made by Councilmember Hughes to continue the public hearing to June 18th.
**SECOND**: The motion was seconded by Councilmember Randall.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye

Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/2015 EDWARD BYRNE MEMORIAL GRANT (JAG GRANT):**
**Public hearing to receive public input on the 2015 Edward Byrne Memorial Grant (JAG Grant) for the Police Department.**

City Manager Gary Esplin stated this item is for the JAG Grant for the Police Department.

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

Councilmember Hughes asked if the Council is approving to accept the funds to purchase a Razor vehicle.

City Manager Gary Esplin replied yes, the Council would be approving the grant application.

**MOTION**: A motion was made by Councilmember Almquist to approve the JAG Grant application.
**SECOND**: The motion was seconded by Councilmember Randall.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**DAY TIME WATERING RESTRICTIONS:**
**Consider approval of day time watering restrictions for those irrigating with culinary water.**

Water & Energy Conservation Coordinator Rene Fleming stated that staff would rather have those that irrigate with culinary water do so at night when it is cooler. The irrigation system does not have the production and storage capacity to handle getting all of the large irrigators watered in 12 hours. It is a better use of resources to irrigate when water is available. This restriction includes reuse water. Staff recommends watering during the hours of 8:00 p.m. to 8:00 a.m. Peak time is 6:00 a.m. She stated that residents can call the Water Conservancy District if they want a free water audit. They will give them a customized irrigation schedule. Additionally, if citizens are interested in making upgrades to their irrigation system, the Conservancy District offers rebates.

**MOTION**: A motion was made by Councilmember Bowcutt to approve the water restrictions for those irrigating with culinary water; watering from 8:00 p.m. to 8:00 a.m.

**SECOND:** The motion was seconded by Councilmember Randall.
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**SET PUBLIC HEARING:**

Planning and Zoning Manager John Willis advised that at its meeting held on May 26, 2015, the Planning Commission recommended setting a public hearing for June 18, 2015 to consider a zone change amendment on approximately 5.7 acres in a Planned Development Residential zone to construct a four-story, 78 unit condominium project. The project is Estancia and is located at approximately 1151 South Plantations Drive.

**MOTION:** A motion was made by Councilmember Randall to set the public hearing as presented.
**SECOND:** The motion was seconded by Councilmember Almquist.
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin asked if this was a second building.

Mr. Willis explained that the original approval was for four buildings. The proposal is to remove one of the buildings, only building three. Additionally, the applicant proposes to increase the height and footprint. It is the same project with the same number of units.

**PRELIMINARY PLAT:**

Assistant Public Works Director Wes Jenkins presented the preliminary plat for The Escapes Phase 6, a 12-lot residential subdivision located at Canyon Tree Drive and Arcadian Shores Drive; zoning is PD-R. The developer is proposing an open space amenity area.

**MOTION:** A motion was made by Councilmember Hughes to approve the preliminary plat for The Escapes Phase 6.
**SECOND:** The motion was seconded by Councilmember Arial.
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye

Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**PRELIMINARY PLAT AMENDMENT:**

Assistant Public Works Director Wes Jenkins presented the preliminary plat amendment for Stone Cliff Phase 13. The property is zoned PD-R and is located southeast of Stone Cliff Phase 11 and the intersection of Cobalt Drive and Flint Drive. The purpose of the amendment is to add lot 33 and to provide a private drive as access to lots 32, 33 and 34. There will be a 14-foot cut into the rock that will be along the back side of the lots. The ordinance states that accessory structures cannot be built in the ridgeline setback or remove significant vegetation; however, staff does not feel there is a significant amount of vegetation.

**MOTION**: A motion was made by Councilmember Randall to amend the preliminary plat for Stone Cliff Phase 13.
**SECOND**: The motion was seconded by Councilmember Hughes.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for Oakwood Estates Phase 2, an 8-lot residential subdivision located at approximately 3000 East and 3150 South; zoning is R-1-10. Lot 48 will remain as a detention basin until the storm drain line near the Seegmiller property is installed.

Councilmember Bowcutt inquired if the developer will need to return when the lot is no longer needed as a basin.

Mr. Jenkins explained that there is a note on the plat that states once the storm drain line is in and approved, it automatically vacates the easement on the lot.

**MOTION**: A motion was made by Councilmember Hughes to approve the final plat for Oakwood Estates Phase 2.
**SECOND**: The motion was seconded by Councilmember Almquist.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for Tonaquint Heights Phase 2, a 13-lot residential subdivision located at approximately 1170 West and Chandler Drive; zoning is R-1-40. The density meets the R-1-40 zone. Within the lots themselves, only certain areas can be disturbed.

**MOTION**: A motion was made by Councilmember Bowcutt to approve the final plat for Tonaquint Heights Phase 2.
**SECOND**: The motion was seconded by Councilmember Almquist.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for Tonaquint Terrace Phase 3, a 6-lot residential subdivision located at approximately 1200 West and 2440 South; zoning is R-1-10.

**MOTION**: A motion was made by Councilmember Randall to approve the final plat for Tonaquint Terrace Phase 3.
**SECOND**: The motion was seconded by Councilmember Almquist.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**ADJOURN TO REDEVELOPMENT AGENCY MEETING:**

**MOTION**: A motion was made by Councilmember Almquist to recess the City Council and reconvene into the Redevelopment Agency Meeting.
**SECOND**: The motion was seconded by Councilmember Randall.
**VOTE**: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

The meeting reconvened following the Redevelopment Agency meeting.

City Manager Gary Esplin advised that staff needed to advertise a public hearing. He told them to advertise the public hearing for July 9th.

Mayor Pike suggested cancelling the July 2nd meeting and work things out on for the 9th.

**MINUTES:**

**Consider approval of the minutes from the meeting held on April 16, 2015.**

**MOTION**: A motion was made by Councilmember Almquist to approve the minutes from April 16, 2015.

**SECOND**: The motion was seconded by Councilmember Hughes.

**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on April 30, 2015.**

**MOTION**: A motion was made by Councilmember Arial to approve the minutes from April 30, 2015.

**SECOND**: The motion was seconded by Councilmember Randall.

**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:**

City Manager Gary Esplin advised that he received a notice from the FAA that they finalized the land exchange. The item will be formally accepted on the June 18th meeting.

Councilmember Almquist mentioned the Flood Control Authority meeting. He explained that as they receive grants, they have to officially be accepted. A representative from NRCS was present. They were able to fund $587,000 for the Stucki basin.

Mayor Pike mentioned that 2 million tons of rock was removed. Additionally, the NRCS put in $75 million; the municipalities in the County matched $25 million in goods and services. The project could not have done that without the federal

government. He stated there was an interesting discussion about the group becoming owners of a property. They may need to hire a part time attorney.

Councilmember Almquist noted that they are developing into a properly structured body.

**ADJOURN:**

**MOTION**: A motion was made by Councilmember Almquist to adjourn.
**SECOND**: The motion was seconded by Councilmember Hughes.
**VOTE**: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

_____
Christina Fernandez, City Recorder

**St. George City Council Minutes**
**Regular Meeting**
**June 18, 2015**
**City Council Chambers**

**Present:**
Mayor Jon Pike
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
Administrative Services Director Deanna Brklacich
City Attorney Shawn Guzman
Deputy City Recorder René Fleming

**OPENING:**
Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Councilmember Almquist. The invocation was offered by Michael Kruse.

Mayor Pike indicated that Money Magazine named St. George one of the best places to retire in 2015 and St. George is the winner of the Great Outdoors category of Places to Retire.

Councilmember Randall commented on the 3rd annual Honoring Veterans Day to be held at Vernon Worthen Park from 8:00 am to 3:00 pm on Saturday June 20, 2015.

Mayor Pike discussed the July 3rd George Streetfest.

**CONSENT CALENDAR**

**Consider approval of the financial report for May 2015.**

Administrative Services Director Brklacich explained the fiscal year is 92% complete. Sales Tax revenues are up by approximately 5.86%. She explained that revenues are a bit behind budget because personal property taxes are not due until May. Expenditures are at 82% of the budget. In the Waste Water fund expenditures are higher than revenues as staff took advantage of an advance pay off of a bond which saved about $42,000. The cash reserves were used to pay the bond off early.

Councilmember Almquist noted SwitchPoint contributions continue to come in, requiring less from funds to run the facility.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve the financial report for May 2015.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**STAFF REPORTS:**
**Presentation from Alissa Urzi with Victim Services division.**

Ms. Urzi indicated she has been the coordinator for victim services for almost three years. She shared a letter received from a victim and her family; with the names changed she read the letter. She invited the public to call if they are a victim of a crime or a victim of domestic violence. The phone number is 435-627-4399.

Mayor Pike thanked Ms. Urzi and colleagues for all they do.

**AWARD OF BID**
**Consider approval of a bid for the Middleton Wash Trail Repairs.**

Administrative Services Director Brklacich explained the route of the trail and the damage from the August 2014 floods. The trail was undermined more than originally thought, so it will cost about $100,000 more to repair it. She indicated the council can approve the action now, subject to the approval of the FY 20115-16 budget which is later in the agenda.

Purchasing Agent Hood explained the bid results with B Hansen Construction being the low bid.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to award the Middleton Wash Trail Repairs in the amount of $241,000 to B Hansen Construction subject to the budget adjustment being approved later in the agenda.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider approval of professional services agreement to relocate the existing Elks baseball field to Bloomington Park.**

Administrative Services Director Brklacich explained the intent to increase one of the existing fields to accommodate the loss of use at the Elks Field. The bid includes construction management, design and engineering for the final project.

Purchasing Agent Hood reviewed bids and recommended it be awarded to Sunrise Engineering.

Administrative Services Director Brklacich suggested the motion be subject to Legal review of the agreement.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Arial to approve the professional service agreement to relocate the existing Elks baseball field to Bloomington Park subject to legal review and hopefully with the advice of Kent Garret.

SECOND: The motion was seconded by Councilmember Almquist.

Councilmember Almquist noted the document from Sunrise Engineering has some assumptions which may not apply to the bid; for example per diem meals at $35 a day.

Purchasing Agent Hood indicated the agreement's fee schedule is a generic form and she is sure legal review will resolve those issues.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider approval of a professional services agreement for the environmental assessment of the Gunlock arsenic treatment plant site.**

Administrative Services Director Brklacich explained this project is undertaken in to order to treat the City's well water to comply with updated arsenic standards. The study is required as the plant will be located on federal property. She detailed some of the items that will be studied.

Purchasing Agent Hood indicated the contract is not to exceed $34,699.
There was discussion regarding the work Alpha Engineering has done in the past. Alpha Engineering has a good deal of experience with these kinds of projects.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve the professional services agreement with Alpha Engineering for the environmental assessment of the Gunlock arsenic treatment plant, not to exceed $34,699.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider award of bid to construct two public restrooms and a small office at SunTran's Transit Center.**

Administrative Services Director Brklacich explained this project is at 100 South and 1000 East. This item is partially funded by FTA fees and is an 80/20% match. The amount of $15,289 is the 20% cost match required from the City. This will roll over into next year's project. Some projects will be delayed next year to accommodate rolling this forward.

Purchasing Agent Hood commented that JMI is the low bid and is recommended for approval.

There was discussion regarding whether or not the bid includes the alternate options for the project. The bid does not include any of the alternate options.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Randall to award the bid to JMI for construction of two public restrooms and a small office at SunTran in the amount of $16,289.46.

SECOND: The motion was seconded by Councilmember Arial.

Councilmember Bowcutt asked if the motion has to be for the total amount of the project or just the City's portion.

City Attorney Guzman indicated it has to be for the total amount of the contract.

Councilmember Randall amended the motion to award the bid for $81,447.30.

Councilmember Arial seconded amended motion.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/REZONING/ORDINANCES**
**Public hearing to consider vacating a public utility and drainage easement located at the rear of lot 1 of Trebruk Estates and adjust the lot line of lot 1 to the south.**

Administrative Services Director Brklacich explained the action is to vacate and relocate easements to accommodate a structure that is requested to be built.

Wes Jenkins explained the two parcels and the structure that the applicant would like to build. This action will merge the parcels into one lot to accommodate the structure and the setbacks. He explained the easements for the maintenance of the sewer line and the NRCS wall.

There was discussion regarding sewer line access which will be from another lot.

Mayor Pike opened the public hearing. Seeing no one wishing to comment, he closed the public hearing and called for a motion.

MOTION: A motion was made by Councilmember Almquist approve applicants request for vacating a public utility and drainage easement located at the rear of lot 1 of Trebruk Estates and to adjust the lot line of lot 1 to the south.

SECOND: The motion was seconded by Councilmember Hughes.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**Public Hearing to consider vacating a utility easement along 3000 East at approximately 2900 South.**

Administrative Services Director Brklacich explained this easement is no longer needed as the water line was moved into 3000 South when it was developed.
Mayor Pike opened the public hearing. Seeing no one wishing to comment, he closed the public hearing and called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve vacating the utility easement along 3000 East at approximately 2900 South.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**Public Hearing to consider vacating an underground sewer easement along the south side of the Virgin River located approximately between Bloomington and Sun River.**

Administrative Services Director Brklacich said the new easement was recorded but it did not vacate the existing easement and that needs to be done on the county records.

Wes Jenkins commented that as the sewer was laid out; it was not in the easement. This action will adjust the easement it match the way the sewer line is actually laid.

Councilmember Almquist asked if it affects the trail easement.

Wes Jenkins replied no, the trail easement has already been dedicated to the City.

Mayor Pike opened the public hearing. Seeing no one wishing to comment, he closed the public hearing and called for a motion.

MOTION: A motion was made by Councilmember Arial vacate an underground sewer easement along the sound side of the Virgin River located approximately between Bloomington and Sun River.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**Public hearing to consider an amendment to the PD-R (Planned Development Residential) zone to construct a four-story 78 unit condominium project on approximately 5.7 acres located at 1151 South Plantations Drive.**

Wes Jenkins indicated this item needs to be tabled as the applicant is unable to be in town today.

City Attorney Guzman indicated a motion is needed to continue the public hearing.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to continue public hearing on this item.

SECOND: The motion was seconded by Councilmember Hughes.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**Public Hearing to consider amendments to the Fiscal Year 2014-15 Budget.**

Administrative Services Director Brklacich detailed the items pertaining to the opening of the budget.

There was discussion regarding the sales tax revenues which came in higher than expected and the final payment to SITLA. The fiscal management of the City was discussed and it commented that the management has been good, allowing debts to be paid off early, saving the City money.

There was discussion regarding the projects that have been completed to repair the damage from the floods in the year 2010 and the one re-vegetation project that needs to be completed. It is expected to be completed by February 2016.

Mayor Pike opened the public hearing. Seeing no one wishing to comment, he closed the public hearing and called for a motion.

MOTION: A motion was made by Councilmember Randall to approve amendments to the Fiscal Year 2014-15 budget.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**Public Hearing to consider amendments to the Fiscal Year 2015-16 Budget and unbilled water and electricity services to other City funds.**

Administrative Services Director Brklacich explained this public hearing is to receive public input on the Fiscal Year 2015 –16 budget and comment on the unbilled water and energy services for other City departments. She discussed the 2014 law requiring municipalities to disclose to customers any utility services provided but not billed to City departments. She explained there are costs to providing those services, buying water, electricity and transmission etc. Those unbilled costs are about $1.54 per month per customer. If these costs were billed to other departments there would be adjustments in rates from one department fund to the other. This would result in a need to either increase revenues for the general fund or to reduce services in order to cover those costs. She explained that per the law requirement, a letter was sent to all customers to inform rate payers of this information.

Mayor Pike indicated the council will receive public comment on the unbilled services as well as the 2015-16 budget.

Administrative Services Director Brklacich commented the preliminary budget has been available since May for citizens to review and ask questions. During the month of May department directors met with council to explain budgets in further detail. The general fund increased by about 2.5% this year. She indicated there are no increases in rates; however, there are a few new rates for new services which will be discussed further in the agenda. She reviewed the items detailed in a letter from City Manager Esplin that are recommended in the general fund from the capital project fund. The recommended total increase is $4,288,252.

Mayor Pike opened the public hearing explaining comments regarding the unbilled services will be heard first, followed by comments on the budget.

Merrill Palmer commented that he thinks costs are best identified, tracked and managed if they are approved where they occur. He stated that he believes that all who benefit from parks and water should share in the cost. He stated the he felt the best way to handle water conservation goals and intentions are to have costs paid where they are incurred.

Bruce Rafferty commented that he is glad to see the transparency. He is bothered by the entity that is also a customer of the City but not bearing any cost of that. He would be willing to pay a bit more than $1.54 a month but he thinks the appearance is important and the appearance of unbilled services says we are the administrative agency and we've decided we don't have to pay.

Dan Gubler stated that facilities should run on a profit/loss basis. If water goes to the City then the City is in direct competition with private business and that's unfair. If it doesn't produce a profit, then get rid of it. He doesn't see a valid government document saying the government is supposed to provide people recreation. He indicated this is socialism. The right direction is to get rid of recreation if it's not producing a profit. If it's profitable the private sector will pick it up.

Betty Hacket expressed concern regarding furnishing water to the golf courses. She thinks the golf courses should be paying for it.

Bob Rosond found the letter rather confusing. The services are unbilled but the costs are included in the rates. He thinks the letter should more clearly state how these unbilled services are being paid for.

Mayor Pike commented that the City is all of us, we own the City. We are all paying for the costs one way or another.

City Attorney Guzman stated this is the second year this letter has been sent out. Staff has gone through several versions to make it as clear as possible and can work to make the letter clearer next year.

Ed Baca said he'd like to address one issue on the new budget for 2015 -16, the building of public restrooms for the SunTran service. He asked if the budget includes the costs for the requirements for the ADA. He referred to the Red Hills Golf Course and the restrooms not being handicap accessible. He stated that having watched and studied the council for a number of years, that the parks and recreation activities generates tax funds which feeds the general fund and allows the City to provide services. He commented that during the work meeting when the Legal Department reviewed its budget with the council, the council adjourned to a closed session. In the interest of transparency, he asked if anything can be disclosed and if not, why.

Mayor Pike commented that with respect to the Dixie Red Hills Golf course a committee is going to be created to work with the director of golf and Matt Loo to begin working on a design and fund raising for a new club house at Dixie Red Hills Golf Course that will include ADA required facilities.

City Attorney Guzman responded to Mr. Baca, that if he understands the question, it was why the council went into a closed session. It was to provide an update for all open claims.

Seeing no one else wishing to comment, Mayor Pike closed the public hearing.

Administrative Services Director Brklacich commented that she appreciates the feedback from the public. She stated that all services are metered and that is how staff is able to come up with the amount of unbilled services. She indicated that with the exception of Dixie Power, rates for St. George Energy Services Department (SGESD) are the lowest in the area. And for water rates we are also the lowest based on comparing 30,000 gallons.

There was discussion regarding when the approved budget will be posted. It will be on the website in the next 30 days. Also discussed was the requirement to have a balanced budget. Mayor Pike called for a motion on the FY 2015 – 16 budget.

Councilmember Almquist commented that prior to the economic downturn there were plans to remodel the Red Hills Golf Course facilities. He commented that it's good to see this project is going forward.

MOTION: A motion was made by Councilmember Hughes to approve the FY 2015 – 16 Budget with the amendments detailed in the letter from the City Manager.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**Public Hearing to consider amending Title 9, Chapter 13 of City code pertaining to off premises signs.**

Administrative Services Director Brklacich explained this is a continuation of a public hearing from the last City council meeting.

City Attorney Guzman indicated staff has had a couple meetings with sign companies and is working on a resolution of language for electronic bill boards. However, there are a few issues still to resolve. Staff would like to continue the public hearing until August 6, 2015.

Mayor Pike asked if anyone from the sign company representatives would like to comment. There were no comments.

Mayor Pike called for a motion to continue the public hearing to August 6, 2015.

MOTION: A motion was made by Councilmember Randall to continue to August 6, 2015 the public hearing to consider amending the Title 9, Chapter 13 of City code pertaining to off premises signs.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist, aye
Councilmember Randall, aye

Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**ORDINANCES**

**Consider approval of an ordinance prohibiting fireworks in designated areas of the City.**

Administrative Services Director Brklacich explained this is something that is done every year and will include a posting of a map on the website for citizens to determine where fireworks are prohibited.

City Attorney Guzman commented that with the current drought conditions and high fire danger staff recommends adopting the ordinance.

Fire Chief Stoker explained the maps and dates are updated each year, this year the prohibition is effective from July 1 – 27, 2015. The map is on the City website on the main page. He detailed the areas that are restricted. He indicated there have already been fires and they spread fast due to cheat grass.

The council discussed the amount of fires as a result of the fireworks. The City sponsored fireworks were discussed. There was discussion regarding a local vendor selling illegal fireworks last year. The distributor was unaware of what the vendor was doing and that vendor will probably not be selling fireworks again.

There was discussion of other prohibitions that may be requested in the near future such as smoking only in vehicles, restricting areas where fires are allowed and prohibiting outdoor welding in certain areas.

Mayor Pike called for a motion:

MOTION: A motion was made by Councilmember Hughes to approve an ordinance prohibiting fireworks in designated areas of the City as designated in the map.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**RESOLUTIONS**

**Consider approval of a resolution adopting a bail schedule.**

Administrative Services Director Brklacich explained this is needed to establish City bail rates rather than defaulting to state rates.

There was discussion regarding how the rates compare to state rates. The proposed City schedule has lower rates than the state.

Mayor Pike detailed the rates and commented that the City rates would become effective immediately, if approved.

Deputy City Attorney Houston indicated the state does have a schedule as a default. She detailed the state general fees which are much higher.

Councilmember Hughes asked if the fines are assessed automatically or are there steps taken to notify people and resolve the issue without assessing a fine.

Deputy City Attorney Houston reviewed the bail schedule and explained how the court generally assigns for the fine. She indicated the prosecutor may ask for fees to be reduced or for community service. There are other options; the fee schedule is just the starting point.

Mayor Pike called for motion.

MOTION: A motion was made by Councilmember Arial to approve the bail schedule for St. George City.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**Consider approval of a resolution adopting a fee schedule for the Electric Theater.**

Administrative Services Director Brklacich commented the Electric Theater is almost ready to open so the fees need to be set.

Mayor Pike reminded the council the fees were discussed in a work meeting. The intention is to be reasonable with the fees without underpricing the facility which could create unfair competition with the private sector. He discussed the fee schedule and the different rates.

Councilmember Arial commented there are many groups that are excited to have this project completed.

There was discussion regarding the $25 fee for additional technicians and who decides how many technicians were required, City staff or those that are renting the facility. The number of technicians can be determined by mutual agreement between staff and the applicant at the time the reservation is made.

There was discussion regarding the location of staff and where reservations can be taken.

There was more discussion regarding the language and changing the additional technicians as determined. A possible solution is to state additional technician and omit "the as determined."

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve adopting the recommended fee schedule exhibit A for the Electric Theater.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**Consider approval of a resolution adopting a fee schedule for the Tonaquint Cemetery Cremation Garden.**

Administrative Services Director Brklacich stated the facility is scheduled to open on July first. There is a new fee schedule to clarify that the fees are for space and not ownership of property. The amounts are the same, the terminology has changed.

Cody Schmitt explained it's the space not for the tablet or accessories and the right to be buried in that space but not ownership of the land associated with the space.

There was discussion regarding if there is a standard for the tablet. The master plan for the cremation garden and the work that is almost done on Phase 1 was discussed as was the possibility of holding an open house when it opens.

There was discussion regarding the increase in the number of cremation requests. The relocation of the ossuary in the master plan was discussed. Some of the terms in the fee schedule were defined. An ossuary is a containment vault where cremation remains are deposited together and a tablet engraved with names identifying whose remains are in the

ossuary. A tree estate is a location by a tree where perhaps a whole group of family members can be placed. Benches are core drilled and the urn goes in the bench.
Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Arial approve the fee schedule for the Tonaquint Cemetery Cremation center.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

**Consider approval of a resolution adopting the first amended interlocal cooperation agreement between Washington County, other municipalities and the City of St. George regarding the distribution of RAP tax revenue.**

Administrative Services Director Brklacich explained this item is a clarification that the cities do not have to follow the County advisory committee. She explained 15% of the RAP taxes is allocated to be used across the county; the cities get 85%. This resolution states the 85% will be used per the council directive not the county's advisory committee.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Arial to approve adopting the first amended interlocal cooperation agreement between Washington County, other municipalities and the City of St. George regarding the distribution of RAP tax revenue.

SECOND: The motion was seconded by Councilmember Almquist.

Councilmember Bowcutt requested an explanation of the advisory board.

City Attorney Guzman stated that by state law the county is required to have an advisory board to determine how the RAP tax revenue is to be used. However, cities are not required to have an advisory board. This action clarifies the board will only be making decisions for the 15% of the county portion of the RAP tax.

There was discussion regarding the decisions that will be made by the county advisory board versus those made by individual city councils.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**STAFF REPORTS:**
**Consider approval of a request to expand the St. George Art and Studio Tour.**
This item was tabled.

**REPORT FROM THE PLANNING COMMISSION**
Wes Jenkins reviewed the items requested for public hearings and requested to set public hearings for July 9, 2015 as follows:

- Consider a zone change amendment request to construct a two story 90 unity town home in-fill project consisting of 16 buildings with amenities on approximately 7.89 acres of property in the PD-R zone.

- Consider a zone change request on approximately 13.36 acres for RE-20 to R-1-12 to accommodate future residential development.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Randall to set public hearings for the two items requested on July 9, 2015.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**PRELIMINARY PLATS**
**Consider approval of a preliminary plat for a 91 lot residential subdivision for Desert Crest.**

Wes Jenkins reviewed the plat, the density, the required landscape strip and the trail that will be in the area.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve a preliminary plat for a 91 lot residential subdivision for Desert Crest.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider approval of a preliminary plat for a 76 lot residential subdivision for Red Wood Estates.**

Wes Jenkins detailed the property, density and location. He indicated the applicant is requesting lot size averaging so that 12 lots will be smaller than 8,000 square feet but the development won't exceed the allowed density.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Randall to approve the preliminary plat for a 76 lot residential subdivision for Red Wood Estates.

SECOND: The motion was seconded by Councilmember Bowcutt.

Councilmember Bowcutt commented that it says preliminary plat is for the Arbors.

Wes Jenkins indicated this is specific to Red Wood Avenue.

Councilmember Almquist asked about the density.

Wes Jenkins indicated the density is 3.7 dwelling units per acre.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**FINAL PLATS**

**Consider approval of a Roadway Dedication Final Plat for Canyon View Drive St. George.**

Wes Jenkins reviewed the location, zone and said that staff and legal reviewed the final plat and determined it meets the conditions of the preliminary plat.

City Attorney Guzman indicated staff has been working with owners of property for about a year to accommodate traffic in the area.

Councilmember Bowcutt asked if Canyon View Drive will be restriped. He expressed concern regarding making a left hand turn up the hill and on the on the curve in the road. He asked if there is there enough room to construct a turning lane.

City Attorney Guzman commented that it will be reconfigured and there should be enough room to make the turn.

There was discussion about traffic flow and left turn ability. In the future Canyon View Drive will be widened.

Mayor Pike called a motion.

MOTION: A motion was made by Councilmember Arial to approve the roadway dedication final plat for Canyon View Drive St. George.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider approval of a 16 lot residential final plat for Desert Rim Phase 1.**

Wes Jenkins reviewed the zone, location and the request meets conditions of preliminary plat as reviewed by staff. He reviewed the ten foot wide landscape and that the developer will pay the maintenance costs of the strip for a ten year period. At the end of the ten years, the City will take over ownership and maintenance.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve the 16 lot final plat for Desert Rim Phase 1.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider approval of a 1 lot residential condominium subdivision final plat for Estancia Phase 1.**
This item was tabled.

**Consider approval of an amended 8 lot residential subdivision final plat for Stone Cliff Phase 13.**

Wes Jenkins said all aspects of final plat were reviewed by staff and it meets all conditions of the preliminary plat. He reviewed the amendments to the plat. He reviewed the ridge line set back.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Bowcutt to approve the amended 8 lot residential subdivision final plat for Stone Cliff Phase 13.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**LOTLINE ADJUSTMENT**
**Consider approval of a lot line adjustment for Central Storage. The property is zoned C-3 and is located at 955 North 1300 West Street.**

Wes Jenkins reviewed the location and zone. The lot line adjustment will put all storage units of one size into one lot. The request meets all requirements.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Arial to approve the lot line adjustment for Central Storage located at 955 North 1300 West Street.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**VACATE CITY PROPERTY**
**Consider approval of City property to be vacated at approximately 2100 East Colorado Drive.**

Wes Jenkins reviewed the location and zone.

Councilmember Bowcutt left at 7:32 pm.

Wes Jenkins reviewed the map and the area that is requesting to be merged into one lot. He explained City Manager Esplin felt that there should be compensation to the City in monetary form. He suggested the motion make it subject to compensation to the City.

City Attorney Guzman explained that since the property is not going back to the person who dedicated it to the City, it would not be appropriate to give it to a third party without the City receiving monetary compensation.

Councilmember Bowcutt returned at 7:34 pm.

City Attorney Guzman commented that the motion should include language that identifies the person who dedicated it in the first place is supportive of the action to vacate the property.

There was discussion regarding this action and how it is different than other property that has been dedicated to or vacated by the City. It is different as this piece was dedicated to the City but not as a roadway.

City Attorney Guzman explained the property is under City ownership and now someone is requesting to purchase it so now there needs a value assessed.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve vacating property located at approximately 2100 East Colorado Drive pending a decision on the monetary value. The group discussed the lot line adjustment and whether the motion should be subject to legal review. The Sullivan's originally dedicated the property.

Wes Jenkins explained how this item and the following lot split are connected. The applicant needs to vacate a piece of property and then do the lot split.

Councilmember Almquist amended the motion to vacate the property subject to legal approval to get a purchase agreement.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**LOT SPLITS**
**Consider approval of a lot split for 1032 North 2075 East Circle.**

Wes Jenkins explained this is the approval of the lot split for the property just discussed so it will have access on Colorado Drive.

City Attorney Guzman suggested any motion be subject to the purchase agreement completion.

Wes Jenkins said that in the Planning Commission discussion it was suggested the motion be subject both actions being completed in 30 days.

The group discussed the zoning of the property.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve the lot split for 1032 North and 2075 East Circle subject to the purchase agreement being worked out with legal and done in 30 days.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider of approval of a request to delay public roadway and utility improvements for the construction of a dwelling unit.**

Wes Jenkins noted the location on a map displayed on the screen. He discussed the previous lot split and the houses that have been built on the pieces of property. The applicant was allowed to delay improvements under the condition that the City can ask for the improvements to be done at any time.

Mr. Jenkins explained subsequent lot splits and it's now a subdivision. The applicant wants to build a house and delay the improvements due to the cost to build the road and bring utilities to the property. The applicant is requesting to build on the lot and to dedicate a portion of the road before the building permit is issued. The applicant would extend the water and install a fire hydrant. The delay request is with regard to road improvements and connection to the sewer. The applicant will put a dry sewer line in so that when the sewer is installed, the property can be connected to it. The conditions are that if the City determines the road needs to be done the applicant would have to pay to get it done.

There was discussion regarding the lot splits, building permits and when the road would have to be done. With the dedication of the road, this lot falls below an acre, so staff doesn't see that as too big of an issue.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve a request to delay public roadway and utility improvements for the construction of a dwelling unit.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**STAFF REPORTS**

**Consider approval of a franchise agreement with Tonaquint Networks for the provision of fiber services in the City.**

City Attorney Guzman explained the franchise agreement will allow Tonaquint Networks to put fiber in City rights of way. There is a 5% franchise tax on the company's revenues as compensation for using the City right of ways. He explained the term "franchise" means that the City grants a right to be in the City right of way. It does not mean that the City controls the content or business practices of the company. The City does have the right to audit financials to determine that the franchise fee payments are correct.

Matt Hamblin commented that he is excited to facilitate the technology in St. George. The company is based in St. George.

There was discussion regarding the service territory for Tonaquint Networks, if it will cover the entire City. Fiber will be deployed in different areas, providing fiber access to homes.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Arial to approve a franchise agreement with Tonaquint Networks for the provision of fiber services in the City.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider approval to sign instrument of release with the FAA for the old airport property.**

Administrative Services Director Brklacich indicated if this action is approved; the City will be able to sell off portions of the old airport property. The proceeds will be used to reimburse the City for the funding used to build the replacement airport.

There was discussion regarding the possible uses of the property.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve authorization for the Mayor to sign the instrument of release with the FAA for the old airport property.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider approval of a donation agreement with Desert Canyons for open space being dedicated to the City.**

City Attorney Guzman explained this action is to dedicate open space as required by the agreement with Desert Canyons regarding which properties they will dedicate, allowing them to take a donation for tax purposes.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve the donation agreement with Desert Canyons for open space being dedicated to the City to create a bank of future plats.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Consider approval of a landscape maintenance agreement with Desert Canyons.**

City Attorney Guzman explained this is the agreement with the developer to install landscape and a wall and to cover maintenance costs for ten years and to require Desert Canyons to restore any disturbed areas.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve the landscape maintenance agreement with Desert Canyons.

SECOND: The motion was seconded by Councilmember Randall.

Councilmember Almquist asked who came up with the numbers.

City Attorney Guzman indicated they are the same as used with the developer in Little Valley.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

**Appointments**

Mayor Pike commented that Sergeant Curtis Spragg will be added to the active transportation committee. He explained this doesn't need a motion but he wanted to let the council know of the appointment.

**REPORTS FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER**
None

**OTHER BUSINESS**
None

**ADJOURMENT**

MOTION: A motion was made by Councilmember Hughes to adjourn the regular meeting and convene the Redevelopment Agency meeting.

SECOND: The motion was seconded by Council Member Randall.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Hughes, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye

The vote was unanimous and the motion carried.

_____ _____
René Fleming, Deputy City Recorder Date