NOTICE OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH

Public Notice

Public notice is hereby given that the City Council of the City of St. George, Washington County, Utah, will hold a regular meeting in the City Council Chambers at the St. George City Offices located at 175 East 200 North, St. George, Utah, on Thursday, November 3, 2022, commencing at 5:00 p.m.

The agenda for the meeting is as follows:

Call to Order
Invocation
Flag Salute

1. **Reading of a Proclamation proclaiming November 4, 2022 as Skyler Howes Day.**

2. **Reading of a Proclamation proclaiming November 6 – 12, 2022 as Type 1 Diabetes Awareness Week.**

3. **Mayor's recognitions and updates.**

4. **Comments from the public.**

   The Open Comment Period provides an opportunity to address the Mayor and City Council regarding concerns or ideas on any item not on the agenda or likely to be on a future agenda.

   Rules for making comments:

   1. You must be a resident of the City of St. George.
   2. Each speaker may be given a limited amount of time for comment as determined by the Mayor given the number of persons wishing to speak.
   3. Be courteous and show respect.
   4. Comments cannot be related to issues on the agenda or likely to be on a future agenda.

   Participants are to state their names for the record. Comments which cannot be made within these limits should be submitted in writing to the City Recorder at recorder@sgcity.org.

   The Mayor and City Council encourage civil discourse for everyone who participates in the meeting.

   Comments pertaining to an agenda item that includes a public hearing or public input should be given as that item is being discussed during the meeting.

5. **Consent Calendar.**

a. **Consider approval to award bid to American Pavement Preservation for the Slurry Seal Project.**

BACKGROUND and RECOMMENDATION: This was a formal bid. Five (5) bids were received. Staff recommends awarding the bid to American Pavement Preservation in the amount of $320,205.

b. **Consider approval to award bid to Geneva Rock Products for the Micro-Surface Project.**

BACKGROUND and RECOMMENDATION: This was a formal bid. Two (2) bids were received. Staff recommends awarding the bid to Geneva Rock Products in the amount of $336,336.

c. **Consider approval to award bid to Holbrook Asphalt for the FY 2023 Crack Seal Project.**

BACKGROUND and RECOMMENDATION: total of eight (8) bids were received. The low bid was from Superior Asphalt in the amount of $311,325; however, due to the local preference provision of our purchasing ordinance, Holbrook Asphalt, a local contractor, was able to match their bid. Staff recommends awarding the bid to Holbrook Asphalt in the amount of $311,325.

d. **Consider approval of a Memorandum of Agreement between The State of Utah Division of State Parks and the City of St. George for maintenance of the Red Hills Detention Basin.**

BACKGROUND and RECOMMENDATION: A floodwater detention basin will be constructed on the site. The property is within the Desert Reserve and Red Cliffs State Park. This agreement allows the City to construct and maintain the basin. Staff recommends approval.

e. **Consider approval of a Professional Services Agreement with Desert Edge Architecture for the design and construction management of the SunTran Maintenance and Administration Facility.**

BACKGROUND and RECOMMENDATION: This project will be funded by a grant from UDOT. The facility will facilitate the buses, maintenance, and overnight parking of buses used for the proposed Springdale route. Staff recommends approval.

f. **Consider approval of an Agreement for Purchase of Water Rights from the Dyer Family Trust.**

BACKGROUND and RECOMMENDATION: At times, water rights within the City of St. George become available for purchase. The City generally is interested in purchasing these water rights for future development of a water source to expand capacity in existing water sources. Staff recommends approval.

g. **Consider approval of a Real Property Purchase Agreement with Wells Fargo.**

BACKGROUND and RECOMMENDATION: The City has a need to purchase land on which to site a new city hall to meet the needs of the city and to allow expansion for the Police Department into the current city hall. This agreement is to purchase approximately 2.5 acres on Main Street just south of the Wells Fargo bank building. Staff recommends approval of the agreement, allowing the Legal Department to make final adjustments prior to signature.

h. **Consider approval of minutes from the meetings held on September 1, 2022; September 22, 2022 (Regular Meeting); September 22, 2022 (Work Meeting); September 22, 2022 (Joint Planning Commission Work Meeting); September 29, 2022 (Regular Meeting); September 29, 2022 (Work Meeting); October 13, 2022; October 20, 2022; and October 27, 2022.**

6. **Consider approval of an ordinance amending the Desert Color Planned Development (PD) zone for previously approved 42 multi-family units to be known as Visionary Sage Haven Phases 10 & 11 on approximately 3.28 acres located generally at intersection of Jasper Ridge Drive & Owen Drive. Case No. 2022-ZCA-036**

BACKGROUND and RECOMMENDATION: Since the time that these units were approved in February of 2021, the master developer has been constructing infrastructure and building has commenced on the property. In that time, the builders of the subject building have decided that they would like to modify the elevations of their townhomes. At their meeting held on October 18, 2022, the Planning Commission held a public hearing and recommended approval.

7. **Consider approval of a conditional use permit to add eight (8) additional units to the existing development to be known as Dixie Center Townhomes on approximately 1.54 acres located at approximately 850 East 600 South. Case No. 2022-CUP-007**

BACKGROUND and RECOMMENDATION: On June 3, 2021, the City Council approved this conditional use permit that would allow the developer to complete this project. If permits have not been granted or construction drawings haven't been approved within a year, approvals expire. The applicant has been working towards approval of their construction drawings but came up short and the approvals expired. At their meeting held on October 25, 2022, the Planning Commission held a public hearing and recommended approval.

8. **Consider approval of an ordinance adopting the Downtown Area Plan.**

BACKGROUND and RECOMMENDATION: The City has been undergoing the process of updating our General Plan, and in conjunction with this update, the City would like to present our Downtown Area Plan. This vision document focuses in on future planning within the downtown area. With the large size and many distinct neighborhoods in St. George, the City will benefit with several neighborhood-area plans. The first area plan to be presented for adoption is the Downtown Area Plan. At their meeting held on October 18, 2022, the Planning Commission held a public hearing and recommended approval; no comments were made.

9. **Consider approval of the preliminary plat for Auburn Hills Phase 16, a 10-lot residential subdivision located at approximately the northwest corner of Auburn Hills Phase 1.**

BACKGROUND and RECOMMENDATION: The proposed subdivision is located in the Desert Color development. The zoning is PD-R (Planned Development Residential). The proposed preliminary plat meets the current general plan designation and zoning. At their meeting held on October 25, 2022, the Planning Commission recommended approval.

10. **Consider approval of the preliminary plat for Desert Canyons Business Phase 1, a 12-lot commercial subdivision located at approximately the intersection of Airport Parkway and Southern Parkway.**

BACKGROUND and RECOMMENDATION: The proposed subdivision is located in the Desert Canyons area. The general plan is RES/OS and the zoning is C-2. The proposed preliminary plat meets the current general plan designation and zoning. At their meeting held on October 25, 2022, the Planning Commission recommended approval.

11. **Consider approval of the preliminary plat for Webb Acres Phases 2 and 3, a 49-lot residential subdivision located at approximately 3430 East and Seegmiller Drive.**

BACKGROUND and RECOMMENDATION: The general plan designation on this property is LDR (Low Density Residential) and the zoning is RE-20 (Residential Estates 20,000 sq. ft. lot sizes). The proposed preliminary plat meets the current general plan designation and zoning. At their meeting held on October 25, 2022, the Planning Commission recommended approval.

12. **Appointments to Boards and Commissions of the City.**

13. **Reports from Mayor, Councilmembers, and City Manager.**

14. **Request a closed session to discuss litigation, property acquisition or sale or the character and professional competence or physical or mental health of an individual.**

Christina Fernandez, City Recorder

October 31, 2022
Date

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

PROCLAMATION

WHEREAS, Skyler Howes began riding a dirt bike at a very young age and competed in his first race when he was only four years old; and

WHEREAS, in his teens, Skyler was able to procure sponsorships and raced in the Baja 500 and 1000 and the National Hare and Hound series, winning the 250cc championship in 2011; and

WHEREAS, Skyler began receiving invitations to join teams, introducing him to rally races and piquing his interest in desert stage rally racing; and

WHEREAS, a few years later, Skyler found himself on a team, going to prestigious competitions such as the Sonora Rally 2018 in Mexico, which he won, garnering him an entry into the 2019 Dakar Rally in Peru; and

WHEREAS, Skyler participated in and won several races until he broke his neck in January, 2020; and

WHEREAS, after months of healing, Skyler's determination led him to race again and to go on to be eligible to compete in the Silver State 300, Vegas to Reno, taking first place overall; and

WHEREAS, earlier this year, Skyler won the 2022 Rallye Du Maroc which is a precursor to next Dakar rally being held in Saudi Arabia in January, 2023.

NOW, THEREFORE, I, Michele Randall, Mayor, along with the City Council of the City of St. George, do hereby proclaim Friday, November 4, 2022 as

SKYLER HOWES DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of St. George, Utah this 3rd day of November, 2022.

_____

Michele Randall, Mayor

PROCLAMATION

WHEREAS, Type 1 Diabetes (T1D) affects three million people in the United States; and

WHEREAS, 40,000 young children and adults are diagnosed with this disease every year in the United States; and

WHEREAS, there is no way to prevent T1D, there is no cure, and it causes dependence on injected insulin for the rest of one's life; and

WHEREAS, living with T1D is a constant challenge, requiring daily care and putting patients at risk for dangerous complications; and

WHEREAS, people with T1D are continually raising awareness about T1D and advocating for research dollars, as evidenced by our local medical providers and the Washington County Diabetic Youth Organization; and

WHEREAS, an increase in community awareness will create a better future for people with T1D through support, research, diagnosis, and treatment.

NOW, THEREFORE, I, Michele Randall, Mayor, along with the City Council of the City of St. George, do hereby proclaim the week of November 6 – 12, 2022 as

TYPE 1 DIABETES AWARENESS WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of St. George, Utah this 3rd day of November, 2022.

_____

Michele Randall, Mayor

Agenda Date: 11/03/2022 **Agenda Item Number:** 5a

Subject:

Consider approval to award bid to American Pavement Preservation for the Slurry Seal Project.

Item at-a-glance:

Staff Contact: Jay Sandberg

Applicant Name: City of St. George

Reference Number: N/A

Address/Location:

N/A

Item History (background/project status/public process):

This was a formal bid. Five (5) bids were received.

Staff Narrative (need/purpose):

Slurry seal is an economical method to preserve pavement on low-volume residential streets. The city has used slurry seal with success for many years.

Name of Legal Dept approver: Ryan Dooley

Budget Impact:

Cost for the agenda item: $320,205

Amount approved in current FY budget for item: $2,800,000 (Pavement Preservation Budget)

If not approved in current FY budget or exceeds the budgeted amount, please explain funding source:

N/A

Description of funding source:

Budgeted funds for Pavement Preservation

Recommendation (Include any conditions):

Approval

FY 23 Slurry Seal Project

Bid Tabulation

				American Pavement		Asphalt Preservation		Morgan Pavement		VSS International		M&M Asphalt	
Item No.	Item Description	Quantity	**Units**	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Mobilization	1	L.S.	3,305.00	3,305.00	14,500.00	14,500.00	17,176.60	17,176.60	60,120.00	60,120.00	500.00	500.00
2	Traffic Control	1	L.S.	7,300.00	7,300.00	10,700.00	10,700.00	15,000.00	15,000.00	50,000.00	50,000.00	500.00	500.00
3	Cleaning	1,800,000	Sq. Feet	0.01	18,000.00	0.01	10,800.00	0.01	22,140.00	0.02	36,000.00	0.01	18,000.00
4	Type II Slurry	1,800,000	Sq. Feet	0.16	291,600.00	0.18	331,200.00	0.22	399,060.00	0.18	324,000.00	0.29	522,000.00
			Total		**320,205.00**		367,200.00		453,376.60		470,120.00		541,000.00

Agenda Date: 11/03/2022 **Agenda Item Number:** 5b

Subject:

Consider approval to award bid to Geneva Rock Products for the Micro-Surface Project.

Item at-a-glance:

Staff Contact: Jay Sandberg

Applicant Name: City of St. George

Reference Number: N/A

Address/Location:

Mall Drive and 3000 East

Item History (background/project status/public process):

This was a formal bid. Two (2) bids were received.

Staff Narrative (need/purpose):

Micro-surfacing is a protective seal coat that extends the life of the pavement. It is a thin, tough layer of asphalt emulsion blended with finely crushed stone for traction. The streets to be treated are Mall Drive from Riverside Drive to 3000 East, and 3000 East from Mall Drive to 1580 South.

Name of Legal Dept approver: Ryan Dooley

Budget Impact:

Cost for the agenda item: $336,336

Amount approved in current FY budget for item: $2,800,000 (Pavement Management Budget)

If not approved in current FY budget or exceeds the budgeted amount, please explain funding source:

N/A

Description of funding source:

Budgeted Pavement Management Funds

Recommendation (Include any conditions):

Approval

Agenda Date: 11/03/2022 **Agenda Item Number:** 5c

Subject:

Consider approval to award bid to Holbrook Asphalt for the FY 2023 Crack Seal Project.

Item at-a-glance:

Staff Contact: Jay Sandberg

Applicant Name: City of St. George

Reference Number: N/A

Address/Location:

N/A

Item History (background/project status/public process):

A total of eight (8) bids were received. The low bid was from Superior Asphalt in the amount of $311,325; however, due to the local preference provision of our purchasing ordinance, Holbrook Asphalt, a local contractor, was able to match their bid.

Staff Narrative (need/purpose):

A crack seal is important for the long-term maintenance of asphalt streets. This project includes the placement of crack-sealing material on various streets throughout the city. A map of the streets to be treated can be viewed at https://www.sgcity.org/transportationandengineering/engineering/pavementmanagement.

Name of Legal Dept approver: Ryan Dooley

Budget Impact:

Cost for the agenda item: $311,325

Amount approved in current FY budget for item: $2,800.,000

If not approved in current FY budget or exceeds the budgeted amount, please explain

funding source:

N/A

Description of funding source:

Pavement Preservation Funds

Recommendation (Include any conditions):

Approval

Crack Seal Bid Tabulation

FY 2023

				Bonneville Asphalt		M&M Asphalt		Morgan Pavement		Asphalt Preservation LLP	
Item No.	**Item Description**	**Quantity**	**Units**	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Traffic Control	1	L.S.	$15,000.00	$15,000.00	$5,000.00	$5,000.00	$15,000.00	$15,000.00	$40,500.00	$40,500.00
2	Mobilization	1	L.S.	$18,000.00	$18,000.00	$5,000.00	$5,000.00	$11,846.76	$11,846.76	$25,500.00	$25,500.00
3	Crack Sealing	175	Tons	$3,800.00	$665,000.00	$3,900.00	$682,500.00	$3,524.00	$616,700.00	$3,179.00	$556,325.00
					$698,000.00	Total	$692,500.00		$643,546.76	Total	$622,325.00

				CKC		Straight Stripe		**Holbrook Asphalt**		Superior Asphatl	
Item No.	**Item Description**	**Quantity**	**Units**	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Traffic Control	1	L.S.	$12,000.00	$12,000.00	$6,000.00	$6,000.00	$500.00	$500.00	$500.00	$500.00
2	Mobilization	1	L.S.	$15,000.00	$15,000.00	$14,000.00	$14,000.00	$500.00	$500.00	$375.00	$375.00
3	Crack Sealing	175	Tons	$3,104.29	$543,250.75	$2,035.00	$356,125.00	$1,824.29	$319,250.75	$1,774.00	$310,450.00
					$570,250.75		$376,125.00		$320,250.75		**$311,325.00**

Agenda Date: 11/03/2022 **Agenda Item Number:** 5d

Subject:

Consider approval of a Memorandum of Agreement between The State of Utah Division of State Parks and the City of St. George for maintenance of the Red Hills Detention Basin.

Item at-a-glance:

Staff Contact: Jay Sandberg

Applicant Name: City of St. George

Reference Number: N/A

Address/Location:

Northeast of the intersection of Bluff Street and Red Hills Parkway

Item History (background/project status/public process):

A floodwater detention basin will be constructed on the site. The property is within the Desert Reserve and Red Cliffs State Park. This agreement allows the City to construct and maintain the basin.

Staff Narrative (need/purpose):

This 30-year agreement allows the city to monitor and maintain the detention basin. Overall, the basin will require very minimal maintenance.

Name of Legal Dept approver: Ryan Dooley

Budget Impact: No Impact

Recommendation (Include any conditions):

Approve

MEMORANDUM OF AGREEMENT

between

THE STATE OF UTAH
DIVISION OF STATE PARKS

and

ST. GEORGE CITY
WASHINGTON COUNTY, UTAH

This Memorandum of Agreement ("MOA") is executed and entered into this ____ day of _____ 2022, by and between St. George City, Washington County, Utah, hereafter referred to as the CITY, and The State of Utah, Division of State Parks, hereafter referred to as the STATE.

EXHIBITS

A	PROPERTY Map
B	Biological Opinion
C	Standard Operation and Maintenance Procedures for the St. George Emergency Watershed Protection Project; Site 3 – Red Hills Detention Basin
D	Red Cliffs Desert Reserve Utility Development Protocols

Recitals.

WHEREAS, the STATE owns certain Section 6 property in Washington County, Utah, known as the PROPERTY (Exhibit A) which serves as high quality desert tortoise habitat, and

WHEREAS, the CITY has been granted permission to construct a 6-acre foot detention pond known as the Red Hills Detention Basin near the PROPERTY, and

WHEREAS the CITY has developed standard, ongoing operation and maintenance procedures (Exhibit C), and

WHEREAS the CITY and the STATE have determined that it would be beneficial for both parties to have respective responsibilities set forth in this Memorandum of Agreement for the purpose of both short-term construction access and ongoing operations and maintenance,

NOW, THEREFORE the CITY and the STATE understand and agree that the provisions set forth below shall define their respective responsibilities.

Recitals. The above recitals are incorporated into and made part of this MOA.

Initial Term. Unless terminated at an earlier date pursuant to the provisions of this MOA, this MOA shall be in effect for an initial term of thirty (30) years from the above date of execution. After the initial term has expired, this MOA shall continue thereafter from year to year until terminated as provided herein. MOA.

Responsibilities of the Parties.

The CITY shall:

1. Follow all requirements, including but not limited to outline protocols for short-term construction, in the BO (Exhibit B).
2. Visually inspect the outlet structure, basin, erosion control structures and materials, channel conditions, and site fencing on an annual basis as outlined in Exhibit C.
3. Visually inspect the outlet structure, basin, erosion control structures and materials, channel conditions, and site fencing following each major run-off event as outlined in Exhibit B.
4. Manually (i.e. by hand) clear any observed blockages or obstructions in spillways or outlet structure as needed following each major rain event as outlined in Exhibit C.
5. Use bobcat or other small mechanical equipment to excavate, remove, and dispose (off-site) accumulated sediment from around the outlet structure and pond and channel every 5 to 10 years or as needed.
6. Clean all mechanical equipment to remove noxious weeds/seeds prior to accessing PROPERTY.
7. Follow Red Cliffs Desert Reserve Utility Development Protocols (Exhibit D) for all work.
8. Notify the STATE within at least 24-hours for any site access involving small equipment for excavation, removal, and disposal work.
9. Repair / reinforce any fence breaches required for mechanical equipment access.
10. Report any spills or leaks of diesel fuel, hydraulic fluid, lubricating oil, and coolant, and ensure that any contaminated soil material be excavated to an appropriate container and transported to an approved disposal site.
11. Provide a copy of written and/or photographic maintenance logs upon request.
12. Report and coordinate any needed repairs or modifications with the STATE.
13. Require any outside contractors performing operations and maintenance to add the STATE as an additional insured under their general liability insurance policies.

The STATE shall:

1. Provide access to the PROPERTY for both short-term construction and ongoing operations and maintenance.

Points of Contact.

Division of State Parks
Attn: Snow Canyon State Park, Park Manager
1002 Snow Canyon Drive
Ivins, UT 84738
snowcanyon@utah.gov
435-628-2255

City of St. George
Attn: City of St. George, City Attorney
175 East 200 North
St. George, UT 84770
legal@sgcity.org
435-627-4000

Indemnification. The CITY agrees to protect, indemnify, and save harmless the STATE, its agents and employees, from, and against all, claims, demands, damages, and actions of every kind or character on account of bodily injuries, death, damage to property, or violation of the BO (Exhibit B) or the Endangered Species Act, arising because of, for, out of, or in any way connected with the performance of CITY or its agents or contractors under this MOA, except where such injury, death, or damage, or violation of the Endangered Species Act has resulted from the sole negligence of the STATE, without negligence or willful act on the part of the CITY, its agents, employees, or subcontractors. The CITY shall defend all suits brought upon such claims and pay all costs and expenses incidental thereto, but the STATE shall have the right, at its option, to participate in the defense of any such suit without relieving the CITY of any obligation hereunder. Notwithstanding the foregoing, nothing herein limits the CITY's or STATE's liability protections as set forth in the Utah Governmental Immunity Act, Utah Code § 63G-7-101 et seq.

Amendments. This MOA cannot be modified or amended except with a signed written agreement by both parties.

Termination. This MOA may be terminated, with cause by either party, in advance of the specified expiration date of the initial term or after the initial term has expired, upon written notice given by the other party. The party in violation will be given ten (10) days after written notification to correct and cease the violations, after which this MOA may be terminated for cause immediately. This MOA may also be terminated without cause (for convenience), in advance of the specified expiration date of the initial term or after the initial term has expired, by CITY or STATE, upon thirty (30) days written termination notice being given to the other party. The parties may terminate this MOA, in whole or in part, at any time, by mutual agreement in writing.

Survival. Any liability or obligations that are not fully performed upon termination of this MOA shall not cease, but shall continue as obligations until fully performed.

No Property Rights. Nothing in this MOA shall be construed as a grant to the CITY of any easement, right-of-way, lease, special use lease, or other real property right or interest in any real property owned by the STATE.

No Partnership or Joint Venture. Neither any other provisions contained in this MOA nor any acts of any party shall be deemed or construed by the other party or by any third person to create the relationship of partnership or of shared venture of any association between the parties, other than relationships stated in this MOA.

No Third-Party Interests. This MOA is intended solely for the mutual benefit of the parties hereto, and there is no intention, express or otherwise, to create any rights or interests for any party or person other than the STATE and the CITY.

No Assignment. Neither party may assign its rights or duties under this MOA, directly or indirectly, in whole or in part, without the prior written consent of an authorized representative of the other party.

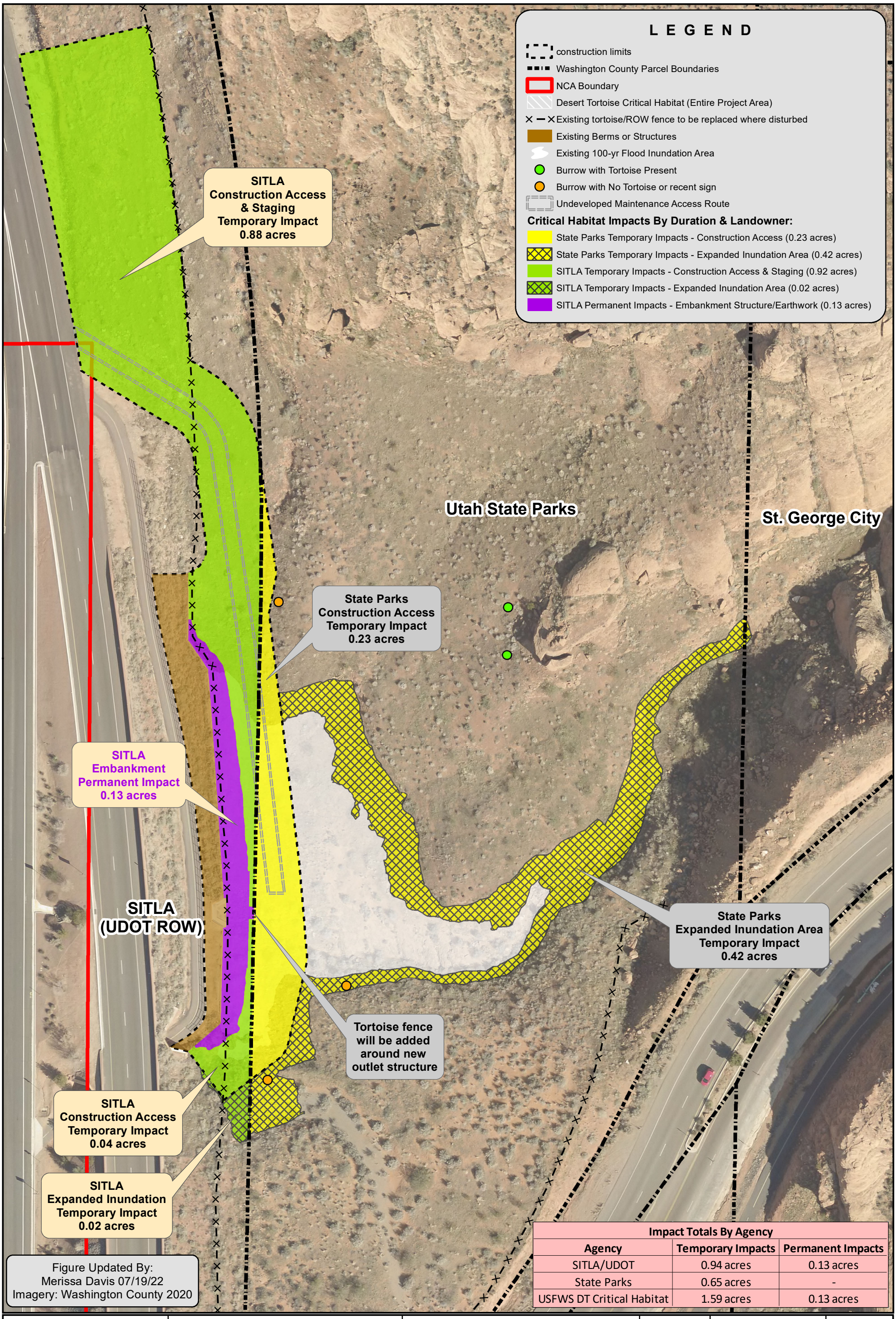
Counterparts and Electronic Signatures. This MOA may be signed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This MOA and any amendment thereto as the Parties may in the future agree to may be executed and communicated by electronic transmission which shall have the force and effect of binding and obligating the Party thereto, without the need to further transmit the original signature.

IN WITNESS WHEREOF, the parties sign and cause this MOA to be executed.

ST. GEORGE CITY	STATE OF UTAH – Division of State Parks
_____	_____
Michele Randall, Mayor	Agency Signature
ATTEST:	
_____	_____
Christina Fernandez, City Recorder	By, Its

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

_____
Ryan, N. Dooley, Asst City Atty



BOWEN COLLINS & ASSOCIATES

ST. GEORGE CITY
EMERGENCY WATERSHED PROTECTION PROJECTS

DESERT TORTOISE CRITICAL HABITAT IMPACTS
RED HILLS DETENTION BASIN

NORTH:

SCALE: 0 25 50 Feet

FIGURE NO. 3A

S:\St. George City\001-21-01 St. George EWP\2.0 Design Phase\2.12 GIS\2.12.5 Biological\Figure3A_IMPACTS_RedHills_July 2022.mxd mdavis 7/19/2022

United States Department of the Interior

FISH AND WILDLIFE SERVICE
2369 W Orton Circle, #50
West Valley City, Utah 84119

In Reply Refer to:
06E23000-2022-0020245

Emily Fire
State Conservationist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

Subject: Final Biological Opinion for the NRCS Emergency Watershed Protection Program St. George Detention Basins Project—Washington County, Utah

Dear Ms. Fife:

In accordance with section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.), and the Interagency Cooperation Regulations (50 CFR section 402), this transmits our final biological opinion (BO) for consultation on U.S. Department of Agriculture (USDA) Natural Resources Conservation Services' (NRCS) proposed construction of five detention basins and a flood protection wall in Washington County, Utah (Project).

Our BO is based on information provided in your initial March 09, 2022, biological assessment (BA) and the final revised version dated July 25, 2022, correspondence between our offices, and other sources of information. We provide additional details on the Project in the proposed action and action area sections below. Our BO evaluates the Project effects to Mojave desert tortoise (*Gopherus agassizii*), hereafter referred to as desert tortoise.

Consultation History

This section summarizes significant steps in the consultation process:

- September 29, 2021: We participated in a conference call with Bowen Collins & Associates (BC&A) and NRCS to discuss the scope of the project, potential effects, effect determinations, and conservation measures.

- October 20, 2021: We participated in a conference call with BC&A, Bureau of Land Management (BLM), and the Washington County Habitat Conservation Plan (HCP) Administrator to discuss project plans, permitting, and desert tortoise critical habitat concerns.

- October 28, 2021: We spoke with BC&A on the phone to discuss critical habitat boundaries within the Middleton site. Take of critical habitat at the Middleton site was previously analyzed by the Service under the 1996 Incidental Take Permit issued for the 1995 Washington County HCP. The site is presently a residential development and has already been cleared of desert tortoises.

- November 4, 2021: We participated in a conference call with BC&A, State Parks, and the HCP Administrator to discuss project plans and effects to desert tortoise critical habitat on State Park lands, and permitting requirements at the Red Hills Parkway site.

- November 23, 2021: BC&A presented the proposed project to the Washington County Habitat Conservation Plan Habitat Conservation Advisory Committee.

- December 9, 2021: BC&A led a site visit with the project stakeholders and presented the project to the Washington County Habitat Conservation Plan Technical Committee.

- March 9, 2022: We received a request for Section 7 consultation from the NRCS and the Biological Assessment.

- March 28, 2022: We spoke with BC&A to discuss changes to the project area that would relocate the flood protection wall outside of State Park lands at the Red Hills Parkway site.

- June 20, 2022: We exchanged emails with BC&A clarifying conservation measures in the BA.

- July 25, 2022: We received the final revised BA from NRCS.

BIOLOGICAL OPINION

Proposed Action

The NRCS is proposing to construct five new detention (i.e. debris) basins and one flood protection wall at four locations around the City of St. George, Utah (the City). The structures would capture sediment and debris while detaining and attenuating flood flows. The Project would be funded through the NRCS Emergency Watershed Protection (EWP) Program for the purpose of protecting property and infrastructure from future flood events.

Project Sites

The four project sites include Red Hills Basin, Industrial Park North Basin, Industrial Park South Basin, and Middleton Basin, which are distributed along the boundary of Red Cliffs Desert Reserve and NCA (Figure 1). Lands affected by the Proposed Action are owned and managed by Federal, State, Local, and Private entities, including BLM, SITLA, Utah State Parks, and the City of St. George (Table 1). The combined size of the project area across the four proposed sites is 29.6 acres. However, the Middleton Basin and Industrial Park Basins occur almost

entirely on lands owned and managed by the City of St. George or private entities, and effects to these sites were previously evaluated, mitigated for, and permitted under the Washington County HCP (1995). These sites were cleared of desert tortoises and the existing fence along the Red Cliffs Desert Reserve boundary prevents tortoises from entering the project sites (though a fencing gap exists at Industrial Park North in an area of poor habitat suitability that is largely inaccessible for tortoises). For these reasons, we do not expect further effects to tortoises at these sites and there will be no further analysis of Middleton Basin, Industrial Park South Basin, and the non-federal portion of Industrial Park North Basin in this BO. This BO will evaluate the project at the Red Hills Parkway Basin and the Federal lands of the Industrial Park North Basin as described in the Action Area below.

Construction

The proposed action would require the use of heavy equipment and result in ground disturbance at the project sites. Ground disturbance would occur from the excavation of detention ponds/debris basins, installation of spillway structures, construction of embankment walls, and at one site, the construction of a gravel service road. Construction activities are anticipated to commence in Fall of 2022 and will ideally be completed within one year (subject to change based on contractor and material availability). To the extent feasible, NRCS and the City will minimize potential effects to desert tortoise by timing construction activities to avoid their most active seasons (March 15 – May 15 and August 20 – October 20). The construction time for each individual basin is expected to take 6-8 week to complete and depending on timing and contractor availability, basins may be constructed simultaneously. The contractor will perform work within the City's regular working hours from 7:00 a.m. to 6:00 p.m.

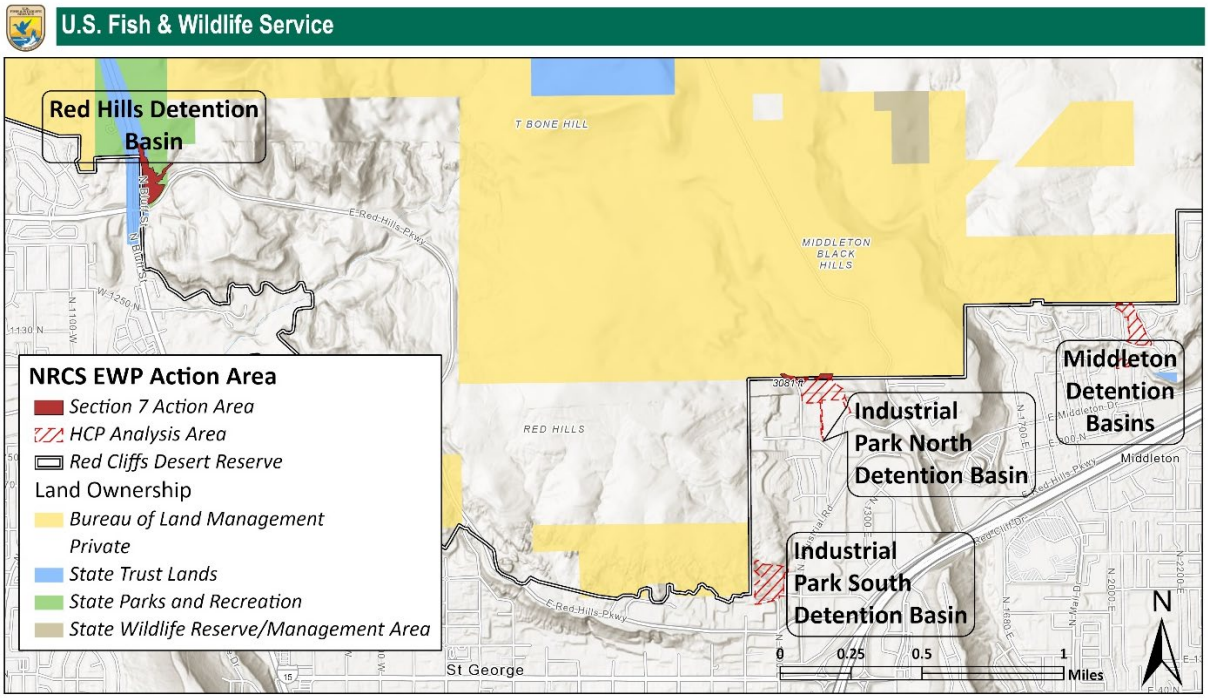


Figure 1. The NRCS Emergency Watershed Protection Program St. George Detention Basin Action Area—Washington County, Utah.

Table 1. Project Site Summary Table. This table identifies landowners and the site area for each project site. This table also describes how many acres are Desert Tortoise Critical Habitat, covered under the HCP, or remain to be analyzed under Section 7. All area units are acres.

Project Site	Land Owners	Project Site Area	Critical Habitat Area	HCP Covered Area	Section 7 Action Area
Red Hills Basin	SITLA (includes UDOT ROW) Utah State Parks (Snow Canyon) City of St. George	5.80	1.76	0	5.80
Industrial Park North Basin	City of St. George Red Rock Cover LLC BLM	9.26	0.91	8.41	0.85
Industrial Park South Basin	City of St. George	8.38	0	8.38	0
Middleton Basin	City of St. George Mick & Tyler Henshaw	6.09	6.09	6.09	0

Operation, and Maintenance of the Detention Basins

Once constructed, the detention basins would experience temporary flooding and collect debris during intense rain events. The City will be responsible entity for the operation, maintenance, rehabilitation, and future modification of the detention basins and floodwall. A draft Operation & Maintenance (O&M) Plan has been prepared by the NRCS and the City in accordance with the NRCS National Operation and Maintenance Manual (BA Appendix H.). The final O&M Plan will have additional input from the agency landowners including BLM and State Parks. The associated agreements would be in place for the extended life of the project.

Conservation Measures

The NRCS and the City of St. George have committed to implement the following conservation measures (BA Sections 2.5 – 2.6):

Site Access and By-Products

1. Equipment will be power washed to remove noxious weeds/seeds and petroleum products prior to moving on-site, and will be washed again if it leaves the project site, is used on another project site, or re-enters the project area.

2. Project activities and equipment will be confined to the designated project boundaries, which will be identified by stakes, lathes, and flagging. To the extent possible, previously disturbed areas within the project sites will be used for temporary storage areas. Already designated routes of travel will be used whenever possible. Cross-country vehicular travel outside the project boundaries by contractor personnel is prohibited.

3. Invasive plant species will be cleared and removed prior to construction activities.

4. Equipment will be refueled off-site or in a designated staging area.

5. The contractor will provide watertight tanks or barrels to dispose of chemical pollutants that are produced as by-products of the construction activities, such as drained lubricating or transmission fluids, grease, soaps, concrete mixer wash water, or asphalt. At the completion of the construction work, these containers will be removed, and the area restored to its original condition.

6. Fill materials will be free waste, pollutants, and noxious weeds/seeds.

7. A hazardous materials spill kit will be kept on-site during construction that is appropriate for the solvents involved in the operation and maintenance of equipment used during the project.

8. Sanitary facilities, such as chemical toilets, will be located at a distance sufficient to prevent contamination of any water source. At the completion of construction activities, facilities will be disposed of at an approved location

9. Materials will not be stockpiled within any of the washes or channels.

10. All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to ravens and other predators.

11. Conservation commitments will be observed during any future O&M activities.

Desert Tortoise Conservation Measures

The City will follow the USFWS Utah Desert Tortoise Conservation Guidelines and are incorporated by reference (BA Appendix G). Specific measures are based on the occupancy status and habitat conditions at each project site, and the time of year (Table 2).

Table 2. Desert tortoise conservation measures by project site and season. RH = Red Hills Basin, IN = Industrial Park North Basin, IS = Industrial Park South Basin, MB = Middleton Basin.

Conservation Measure	RH	IN	IS	MB
Workers will complete Threatened and Endangered Species training prior to entering the project site.	**X**	**X**	**X**	**X**
Existing tortoise fencing will be mended or replaced prior to construction.	**X**	**X**	**X**	**X**
Temporary fencing will be installed around the disturbance limits before construction.	**X**			
Tortoise clearance surveys will be conducted after fencing commitments have been met and prior to construction activities.	**X**	**X**	**X**	**X**
If tortoise fencing is not present, daily inspections before work will be required to ensure no tortoise are present (e.g., within excavations, open trenches, under vehicles or equipment, or around staging materials). Temporarily parked vehicles or construction equipment will be inspected for tortoise throughout the day as needed before the vehicle or equipment is moved.	**X**	**X**	**X**	**X**
If a desert tortoise is discovered in the construction or staging areas during, construction activities will stop and the Utah Division of Wildlife Resources (UDWR) or Washington County HCP Administrator will be contacted to	**X**	**X**	**X**	**X**

relocate the tortoise before construction activities can commence within 300 ft. of the tortoise. The tortoise will not be approached or handled by unapproved personnel.				
Active Season: February 15 – November 30				
A desert tortoise monitor will visit the site daily to ensure compliance with all measures identified in this biological opinion. Monitoring activities include daily sweeps of the project activity area before work each day, checking the fence line one to three times daily (depending on temperature and shade structures) and monitoring each group of separated equipment as needed if temporary fencing is not present.	**X**			
A Field Contract Representative (FCR) will monitor the activities within desert tortoise habitat, conduct daily clearance sweeps, ensure proper implementation of conservation measures, and report twice weekly with the designated tortoise monitor. The FCR will also be responsible to contact the monitor, UDWR, and USFWS if any tortoise or fresh sign of tortoise is found.		**X**	**X**	**X**
Construction equipment (including pick-up trucks) will not exceed 15 miles-per-hour.	**X**	**X**	**X**	**X**
Less Active Season: December 1 – February 14				
The FCR will conduct daily checks of the temporary fencing or any hazard areas. Additionally, the desert tortoise monitor will visit the site twice weekly.	**X**			
The FCR will conduct daily checks of hazard areas (trenches, excavations). The monitor will visit the site every two weeks to check with the FCR.		**X**	**X**	**X**
Construction equipment (including pick-up trucks) will not exceed 20 miles-per-hour.	**X**	**X**	**X**	**X**

Mitigation for Effects to Desert Tortoise Critical Habitat

Red Hills Basin

The Red Hills Basin site will experience 1.59 ac. of temporary and 0.13 ac. of permanent effects to desert tortoise critical habitat from the Project. The City and the NRCS have committed to contributing $6,687 to the National Fish and Wildlife Foundation (NFWF) Utah desert tortoise subaccount to offset project effects to critical habitat expected at the Red Hills Basin site. These funds will be applied to desert tortoise recovery efforts within the Upper Virgin Recovery Unit.

Remuneration fees for the loss of desert tortoise habitat were calculated using the compensation guidelines in Table 2 of the Final Report on Compensation for the Desert Tortoise, approved by the Desert Tortoise Management Oversight Group (1991). Using those guidelines, the Red Hills Basin met the following criteria: (1) the site occurs in Category I habitat; (2) the Project would result in both permanent and temporary effects; and (3) there is little or no existing habitat disturbance at the site. Thus, we determined mitigation ratios of 5:1 for permanent effects and 4:1 for temporary effects.

Remuneration fees for habitat disturbance in Utah will be provided to NFWF prior to surface disturbing activities associated with the proposed project (FWS Region 6 Omnibus Escrow Account, Utah Desert Tortoise sub-account). These fees are based on an established rate of $754 per acre in 2010 (File Number: 6-UT-09-F-023), adjusted to $954 per ac. in 2021. The amount

payable is adjusted annually for inflation on October 1 of each year based on the Composite Consumer Price Index (https://www.bls.gov/cpi/). Please refer to Table 4 of the BA for a table of these calculations.

Industrial Park North

Less than one acre of desert tortoise Critical Habitat would be affected at the Industrial Park North Site as a result of the project (0.83 ac. of temporary effects, 0.08 ac. of permanent effects). Critical habitat effects at the Industrial Park North site will be offset by the construction of approximately 450 ft. of new tortoise barrier fencing along the west cliff line and around the new basin to prevent tortoise from entering an existing hazardous area.

Industrial Park South

The Industrial Park South site does not occur within designated critical habitat.

Middleton Basin

The Middleton Basin site will also experience 0.94 ac. of temporary and 1.82 ac. of permanent effects to desert tortoise critical habitat. However, the loss of this critical habitat was already analyzed under the Incidental Take Permit (1996) issued for the Washington County HCP (1995). This site has been previously cleared of desert tortoises and presently exists as a residential subdivision. No additional mitigation is required to offset effects to critical habitat at the Middleton Basin.

Migratory Bird Conservation Measures

Tree removal is not expected as part of the project, but the need arise to remove any trees during nesting and breeding season (April – August) a qualified biologist will conduct surveys no more than five days prior to the commencement of work. If active nests are found during surveys, tree removal will be postponed until the young have fledged or the nest is no longer active as determined by the biologist.

Site Restoration

1. Temporary effects (construction sites plus access and staging areas) will be restored to pre-construction elevations and reseeded with the NCA approved plant species. The areas on federal or State lands will be monitored for three years by the City to monitor the planting success as well as control noxious/nonnative weeds. If the success criteria defined in the revegetation plan is not met during the three-year monitoring period, the areas will be reseeded/planted in coordination with NRCS, BLM, State Parks, and the NCA.

2. Additional restoration and weed management specifics for State Parks lands (Red Hills Basin site) will be included in the memorandum of understanding (MOU) being prepared by State Parks.

Future Maintenance

1. During routine inspections, scheduled maintenance, emergency maintenance, or any other maintenance, if desert tortoises are encountered, they will be avoided and the action agency will be contacted if there appear to be hazards to the tortoise. The action agency will coordinate with the USFWS as appropriate.

2. Scheduled maintenance in suitable habitat will be performed during the less active season (December 1 – February 14) and will be overseen by an individual who has received desert tortoise education training provided by the Washington County Habitat Conservation Plan. Scheduled maintenance activities will not create new disturbance.

3. Maintenance activities that are not performed during the less-active season, or that create new surface disturbance in suitable habitat will be coordinated with the action agency, and the action agency will coordinate with the USFWS as appropriate.

4. If emergency maintenance activities create new surface disturbance in suitable habitat or are required during the active season in suitable habitat, the action agency will be contacted within 24 hours to minimize any effects and coordinate post-emergency response. The action agency will coordinate with the USFWS as appropriate.

Action Area

Our regulations define the action area as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action" (50 CFR section 402.02). Therefore, the action area incorporates all areas that may be affected directly or indirectly by the Project.

The Action Area for this project, as analyzed under Section 7 consultation, includes the Red Hills Parkway Basin (5.80 ac.) and the Federal lands of the Industrial Park North (0.85 ac.) Basin, for a total of 6.65 ac. (Figure 1). Both sites occur along the southern boundary of the Red Cliffs Desert Reserve and overlap designated critical habitat for the Mojave desert tortoise (Table 1). The Middleton Basin, Industrial Park South Basin, and the non-Federal lands of Industrial Park North Basin were previously analyzed under the Washington County HCP. For project site maps, design plans, and photos, please refer to Appendices A, D, E, and F in the BA.

For the two project sites, the action area includes:

- Areas directly affected by the construction, operation, and/or maintenance of the detention basins and associated features (spillways, embankment walls, and access roads).

- The modified flood zones that will be indirectly affected by temporary and intermittent inundation.

Red Hills Basin Action Area

The Red Hills Basin site is located within the Red Cliffs Desert Reserve and NCA boundaries. Land at the Red Hills Basin is owned and managed by Snow Canyon State Park (SCSP) and Utah School and Institutional Trust Lands Administration (SITLA). The site occurs in a wash (i.e. drainage channel) to the north west of the SR-18 and Red Hills Parkway interchange. The interchange was constructed by UDOT (circa 2013-2014) to create a bypass of the intersection. As part of the project, a new concrete block embankment wall and culvert were installed to create a small detention basin and passage for the existing drainage. An adjacent multi-use paved pathway was added with an underpass connecting to the main road below the bypass at the same time. In August 2020, stormwater flows exceeded the capacity of the storm drains downstream of the basin and carried flood water and mud along 1130 North Street in St. George and damaged several homes and vehicles. Floodwater flowed west until it reached Halfway Wash and the Santa Clara River.

The concrete block embankment retaining wall and culvert exist along the west side of the project site. A 500-ft. section of the multi-use paved pathway with a metal guard fence exists between the retaining wall and the SR-18 roadway, with an underpass connecting to the main road below the bypass. The remainder of the Red Hills project area and drainage channel are mostly undisturbed, and contain rocky outcrops, small cliffs, and desert vegetation. The ephemeral drainage channel runs from the bedrock cliffs on the east boundary of the project site to the culvert at the western boundary of the project site. The ephemeral channel is dry most of the year except during storm events at which time the culvert may get backed up and fill the detention basin. Dominant vegetation consists of honey mesquite, rabbitbrush, wild almond, sunflower, cheatgrass, and native grasses. Tortoise fencing is in place along SR-18 and Red Hills Parkway to prevent tortoises from entering the roadways.

Industrial Park North Basin Action Area

The Industrial Park North Basin is located at an industrial complex in St. George. Most of the site has been previously disturbed and developed for industrial purposes, and contains supply stores, waste services, distributors, vehicle repair shops, fabrication shops, storage, and a recycling and processing plant among other businesses. The Industrial Park borders the BLM managed Red Cliffs NCA, where two drainages flow towards a natural basin at the north end of the industrial lot. An unauthorized berm was placed between the open lot and BLM lands around 1998 or 1999, presumably to prevent flooding. A buried PVC pipe along the berm collects some drainage from the northeast channel and delivers it to the storm drain system further south. Large rocks and concrete rubble were also placed in the northwest channel around the time the 1080 East road was constructed (circa 2004 - 2005). In August 2020, stormwater flows exceeded the capacity of the storm drains downstream of the proposed basin site and carried flood water and mud along the north side of I-15 and inundated several properties along the I-15 frontage road

The majority of the proposed basin (4.2 ac.) is located on bare land recently purchased by St. George City which was cleared and leveled by the previous owner and used for storage of vehicles, semi-trailers, equipment, and concrete blocks. The east edge (0.45 ac.) of the proposed

basin earthwork and berm crosses onto private land (Red Rock LLC) and it is assumed the site is used for construction staging and supply. These non-Federal lands were analyzed under the Washington County HCP and are not part of the Project action area.

Approximately 0.17 ac. of the Industrial Park North Basin extend north onto lands owned and managed by the BLM as part of Red Cliffs Desert Reserve and NCA (the Project action area). Within the action area, the two ephemeral drainages flow from the northeast and northwest towards a natural basin where water can pond during storm events. The natural basin is surrounded by steep rock outcroppings to the north and the industrial lots to the south. The washes are mostly dry except during storm events when water may overflow the channels onto the surrounding industrial lots.

The drainages are mostly undisturbed aside from the dumping of rocks, concrete debris, and some trash. Vegetation at the site includes tamarisk, honey mesquite, rabbitbrush, blackbrush, Mormon tea, honey mesquite, cheatgrass, and native grasses, with sporadic seep willows and small cottonwoods along the east wash/natural basin area.

Status of the Species

Desert tortoises occur in the Mojave and Sonoran deserts in southern California, southern Nevada, Arizona, and the southwestern tip of Utah in the U.S., as well as Sonora and northern Sinaloa in Mexico (FWS 1994a, FWS 2011). Desert tortoises occupy the broadest latitudinal range, climatic regimes, habitats, and biotic regions of any North American tortoise species (Auffenberg and Franz 1978, Bury 1982, Patterson 1982, Bury et al. 1994, Germano 1994). Records of desert tortoises range from below sea level to an elevation of 7,300 ft. (Luckenbach 1982), however desert tortoises in the Mojave Desert are usually found below 5,500 ft. where precipitation ranges from 2 to 8 inches.

We listed the desert tortoise on the Beaver Dam Slope in Utah as threatened under the ESA, and designated critical habitat in 1980 (45 FR 55654). On August 4, 1989, new information on mortality resulted in the emergency listing of desert tortoises north and west of the Colorado River (excluding the Beaver Dam Slope) as endangered (54 FR 42270). Subsequently, the entire Mojave population of the desert tortoise west of the Colorado River in California and Nevada, and north of the river in Arizona and Utah, including the Beaver Dam Slope, was listed as a threatened species on April 2, 1990 (55 FR 12178). We signed the first Desert Tortoise (Mojave Population) Recovery Plan (Recovery Plan) (FWS 1994a) on June 28, 1994. Comprehensive reviews of the status of the species can be found in FWS 1994a, FWS 2011, FWS 2021a, and FWS 2022.

Desert tortoises are an arid land reptile associated with desert scrub vegetation; primarily creosote bush (*Larrea tridentata*) flats, washes, and hillside slopes or bajadas. A robust herbaceous component to the shrubs and cacti of the creosote bush vegetation type is an important component of suitable habitat. Within these vegetation types, desert tortoises potentially can survive and reproduce where their basic habitat requirements are met including: a sufficient amount and quality of forage species; shelter sites for protection from predators and environmental extremes; suitable substrates for burrowing, nesting, and over-wintering; various

plants for shelter; and adequate area for movement, dispersal, and gene flow. The Revised Recovery Plan (FWS 2011) contains a complete description of the range, biology, and ecology of the desert tortoise.

Individual desert tortoises need burrows, native herbaceous vegetation, and water in order to complete each stage of the species' life cycle. These habitat components provide shelter throughout the year and food in the active seasons. Free-standing water is needed to encourage above-ground movement necessary for breeding, especially in the fall. Other needs associated with breeding, egg development, and hatching include suitable soils (friable but firm) with rocks and shrubs to provide a network of burrows, overlap and connectivity between home ranges (about 200 ac. per male), air temperatures during the active breeding season 69 to 91 °F, soil temperatures ≤ 91 °F, low soil moisture (0.4 percent), and seasonal precipitation (primarily winter and spring).

Desert tortoises populations need sufficient abundance, recruitment, survivorship, growth (rate), and connectivity to other areas to be resilient (i.e., long term viability). To meet those needs, desert tortoises require extensive, connected landscapes to find mates, breed, and maintain genetic and demographic stability (FWS 2011). The available quantity and quality of habitat dictates the amount of time and resources needed for a tortoise to reach maturity and reproduce, and thus affects survivorship and recruitment. Because desert tortoises are long-lived, they may persist in isolated and small habitat patches for years and still maintain genetic diversity. However, over several generations, small populations may be affected by inbreeding depression, reducing reproductive rates and individual fitness. Connectivity within and between areas can help maintain the demographic and genetic viability of populations (FWS 2011).

Desert tortoises are most active during the spring and early summer when annual plants are most commonly available for forage (FWS 2011). Additional activity occurs during warmer fall months and occasionally after summer rainstorms. While rare, desert tortoises have also been observed above ground in the winter, including when there is snow on the ground. In Utah, we consider desert tortoises most active from approximately March 15 through October 15; however, depending upon weather conditions, they can be active outside of these dates as well (FWS 2021a). Desert tortoises spend the remainder of the year in burrows, escaping the extreme conditions of the desert (FWS 2011). We have determined three ranges of dates based on anticipated levels of desert tortoise activity and ambient temperatures in Utah (FWS 2021a):

- More active season: February 15 to November 30;
- Most active season: March 15 to May 15, and August 20 to October 20; and
- Less active season: December 1 to February 14.

Desert tortoise home range sizes vary with respect to location and year. An adult male desert tortoise has an average home range of approximately 200 ac. (FWS 2011). Over its lifetime, each desert tortoise may require more than 1.5 square miles of habitat and make forays of more than seven miles at a time (Berry 1986). During droughts, desert tortoises forage over larger areas, increasing the likelihood of injury or mortality through encounters with humans and predators (Boarman 2002). Direct loss of desert tortoises has occurred from illegal collection by humans for pets or consumption, intentional killing by humans, upper respiratory tract disease

(URTD), predation by common ravens, kit foxes, coyotes, dogs off-leash, and other predators, and collisions with vehicles on paved and unpaved roads. Other threats affecting the desert tortoise include loss of habitat and habitat fragmentation from construction projects such as roads, housing and energy developments, and conversion of native habitat to agriculture (FWS 2011). Off-highway (OHV) use is also a threat to the species.

Habitat degradation influences desert tortoise health and survival and is occurring through habitat fragmentation, grazing, and wildfire. Wildfire is an increasingly important threat, because it degrades or eliminates habitat (FWS 1994a Appendix D). Following wildfire, native plant species are often replaced by invasive, non-native species such as red brome (*Bromus rubens*) and cheat grass (*Bromus tectorum*), resulting in long-term habitat degradation or loss. Over 500,000 ac. of desert lands burned in the Mojave Desert in the 1980s and approximately 500,000 ac. burned in the northeastern Mojave Desert, including in Utah, in 2005. Over 25,000 ac. of Mojave Desert burned in the Upper Virgin River Recovery Unit (UVRRU), including Arizona, in 2006. There were four significant fires in the UVRRU in 2020 that burned more than 8500 ac. of suitable habitat in and around Red Cliffs Desert Reserve.

Desert tortoise researchers established permanent plots in the 1970s to monitor desert tortoise populations, and researchers surveyed some of these plots through 2002. However, surveys in the Northeastern Mojave recovery unit (NEMRU) (Nevada, Utah, and Arizona) and other recovery units detected too few live desert tortoises to determine a population trend. In 1999, line distance sampling was used in Utah to estimate annual adult densities (UDWR 1999). Line distance sampling is a method used to estimate density or abundance based on the number and distance of observations from a line or transect in a given area. The FWS began using line distance sampling to monitor populations across the range of the desert tortoise in 2001 and have continued to use this method consistently throughout the range since 2004. Desert tortoise populations have declined significantly in four of the five recovery units (FWS 2015; Allison and UDWR 2018). The NEMRU is the only recovery unit that has shown an upward trend for desert tortoise populations; however, population numbers remain near minimum viable population levels (FWS 2015).

Critical Habitat

On February 8, 1994, we designated approximately 6.4 million ac. of critical habitat for the Mojave population of the desert tortoise in portions of California, Nevada, Arizona, and Utah (59 FR 5820), which became effective on March 10, 1994. This designation includes primarily Federal lands in southwestern Utah, northwestern Arizona, southern Nevada, and southern California (FWS 1994b, FWS 2011). Critical habitat is a term defined and used in the ESA. It is specific geographic areas that contain physical and biological features essential to the conservation of an endangered or threatened species and that may require special management and protection (ESA section 3(5)(A)). The FWS identified the following physical and biological features of desert tortoise critical habitat:

1. sufficient space to support viable populations within the recovery units and to provide for movement, dispersal, and gene flow,

2. sufficient quantity and quality of forage species and the proper soil conditions to provide for the growth of such species,
3. suitable substrates for burrowing, nesting, and overwintering,
4. burrows, caliche caves, and other shelter sites,
5. sufficient vegetation for shelter from temperature extremes and predators, and
6. habitat protected from disturbance and human-caused mortality (FWS 1994b, FWS 2011).

Recovery Plans and Units

The 1994 Recovery Plan divided the range of the desert tortoise into six recovery units. Desert tortoise habitat in the Project action area is entirely within the UVRRU. In 2003, the FWS convened the Desert Tortoise Recovery Plan Assessment Committee (DTRPAC) to scientifically assess the Desert Tortoise Recovery Plan. The subsequent revised recovery plan reduces the number of recovery units from six to five based on genetics and data suggesting desert tortoise occur as metapopulations (FWS 2011). The UVRRU was retained in the revised recovery plan as one of the five recovery units (Figure 2).

The DTRPAC Report (Tracy *et al.* 2004, hereafter referred to as Report) also produced several findings and recommendations that served as the basis for revision of the 1994 Recovery Plan. The Report recognized that threats to the desert tortoise have cumulative, synergistic, and interactive effects, and that desert tortoise recovery depends on managing multiple threats. Threats facing desert tortoises have been increasing since we finalized the 1994 Recovery Plan. In addition, many recovery actions have not been fully implemented. The Report also recognized that desert tortoise populations may be distributed in metapopulations (group of populations separated by space) rather than single, large populations in recovery units. Thus, it is important to protect the corridors between habitat patches and populations, in addition to reducing multiple threats within management areas. The Report also noted that desert tortoise metapopulations require areas of suitable habitat for recovery, but these areas may be periodically vacant of desert tortoises. Hence, absence during one survey period does not indicate an area is not important to the species. The FWS signed the revised recovery plan on May 6, 2011 (FWS 2011). The revised recovery plan identifies desert tortoise conservation areas outside of critical habitat that are considered essential for the conservation and recovery of the species (FWS 2011, p.23).

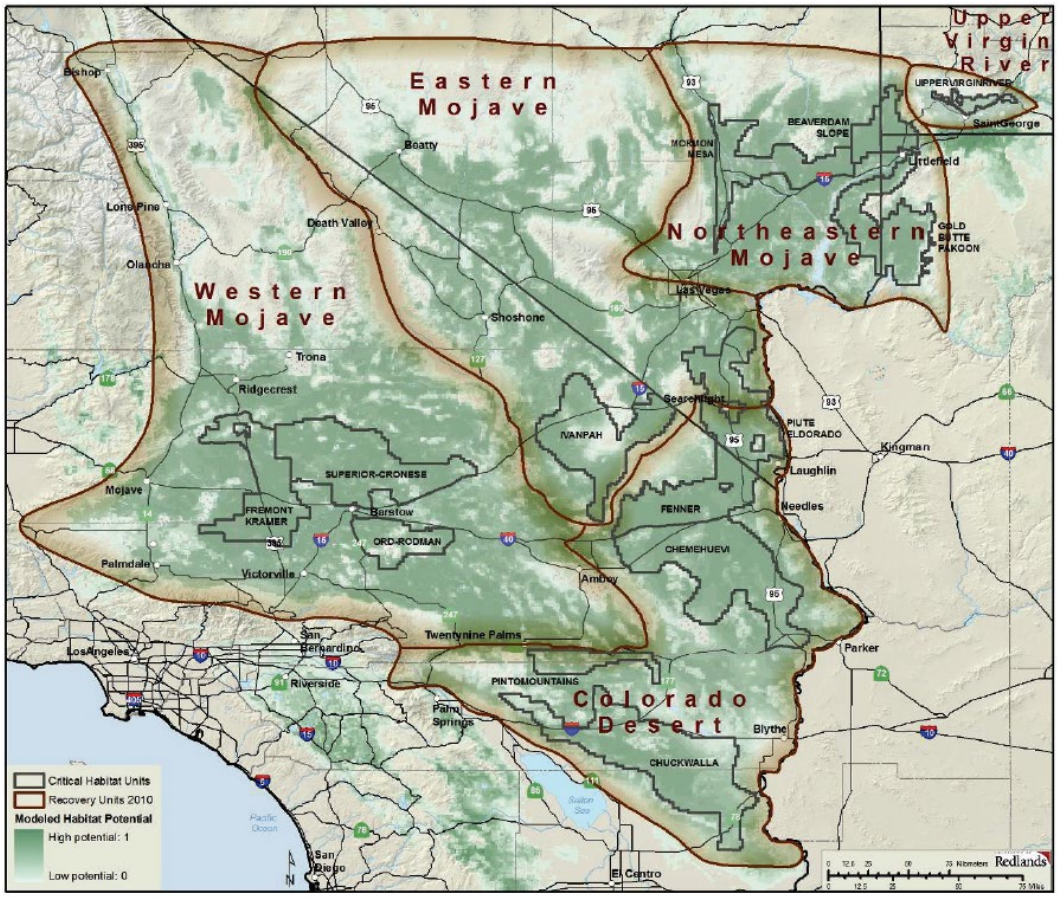


Figure 2. Desert tortoise recovery units and occurrence model.

2022 Five Year Review

In 2022, we reviewed the status of the Mojave desert tortoise (USFWS 2022). The Five-Year review summarized new information related to genetics and the spatial distribution of the species, population trends, and threats. In the synthesis, we concluded that the status of the Mojave Desert Tortoise has not improved (Allison and McLuckie 2018) and that most threats to the species continue to persist at or above 2010–2011 levels. These conditions portend further status deterioration in the absence of concerted efforts by land managers to meaningfully reduce predator subsidies, vehicle-caused tortoise mortalities, and invasive annual plants in important tortoise habitats. The magnitude of population trends and status of current threats led the International Union for the Conservation of Nature and Natural Resources to reclassify the species as Critically Endangered under the Red List criteria (Berry et al. 2021).

Environmental Baseline

Regulations implementing the ESA (50 CFR §402.02) define the environmental baseline as the past and present impacts of all Federal, state, or private actions and other human activities in the action area. The environmental baseline also includes the anticipated impacts of all proposed Federal projects in the action area that have already undergone section 7 consultations and the impacts of state and private actions that are contemporaneous with the consultations in progress.

Status of the Species in the action area

As described above, the Project is located within the UVRRU, which encompasses 325,898 ac. of suitable desert tortoise habitat of which 56,187 acres (17 percent) was designated critical habitat in 1994 (59 FR 5820, February 24, 1994; Figure 3). Desert tortoises have a broad geographic range throughout the UVRRU and occur as a metapopulation, with clustered subpopulations of varying densities. Land throughout the UVRRU is owned by a combination of Federal, State, Tribal and private entities (Figure 4).

Washington County HCP

The Action Area and the majority of the UVRRU are located in Washington County, Utah. As mentioned above, most of the project area occurs on lands already permitted under the Washington County HCP (Table 1). The Washington County HCP was created in 1995 to allow and offset the development of desert tortoise habitat on private and State lands in the County. The HCP is adaptively managed by Washington County in concert with Federal, State, and local entities. An incidental take permit was issued in 1996 (FWS 1996) using a habitat surrogate and estimated 12,264 acres of suitable habitat in the Take Area. That original permit expired in 2016 and was renewed and amended in 2021 (Washington County 2020). At the time of the 2021 permit renewal, improved habitat models estimated the HCP Take Area to contain 63,000 acres of suitable habitat. The primary offset for the HCP was the establishment of the Red Cliffs Desert Reserve.

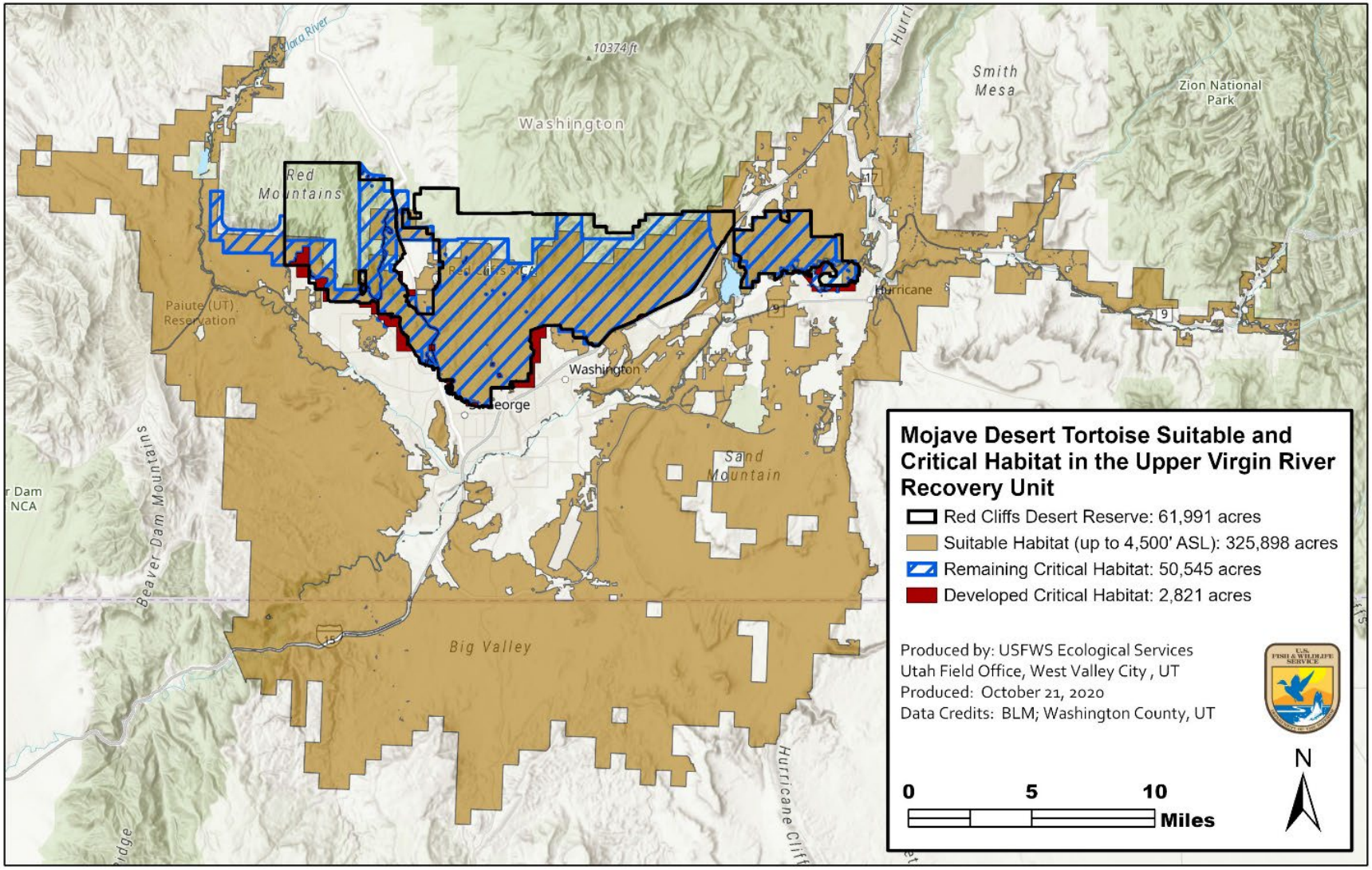


Figure 3. Mojave desert tortoise suitable and critical habitat in the UVRRU.

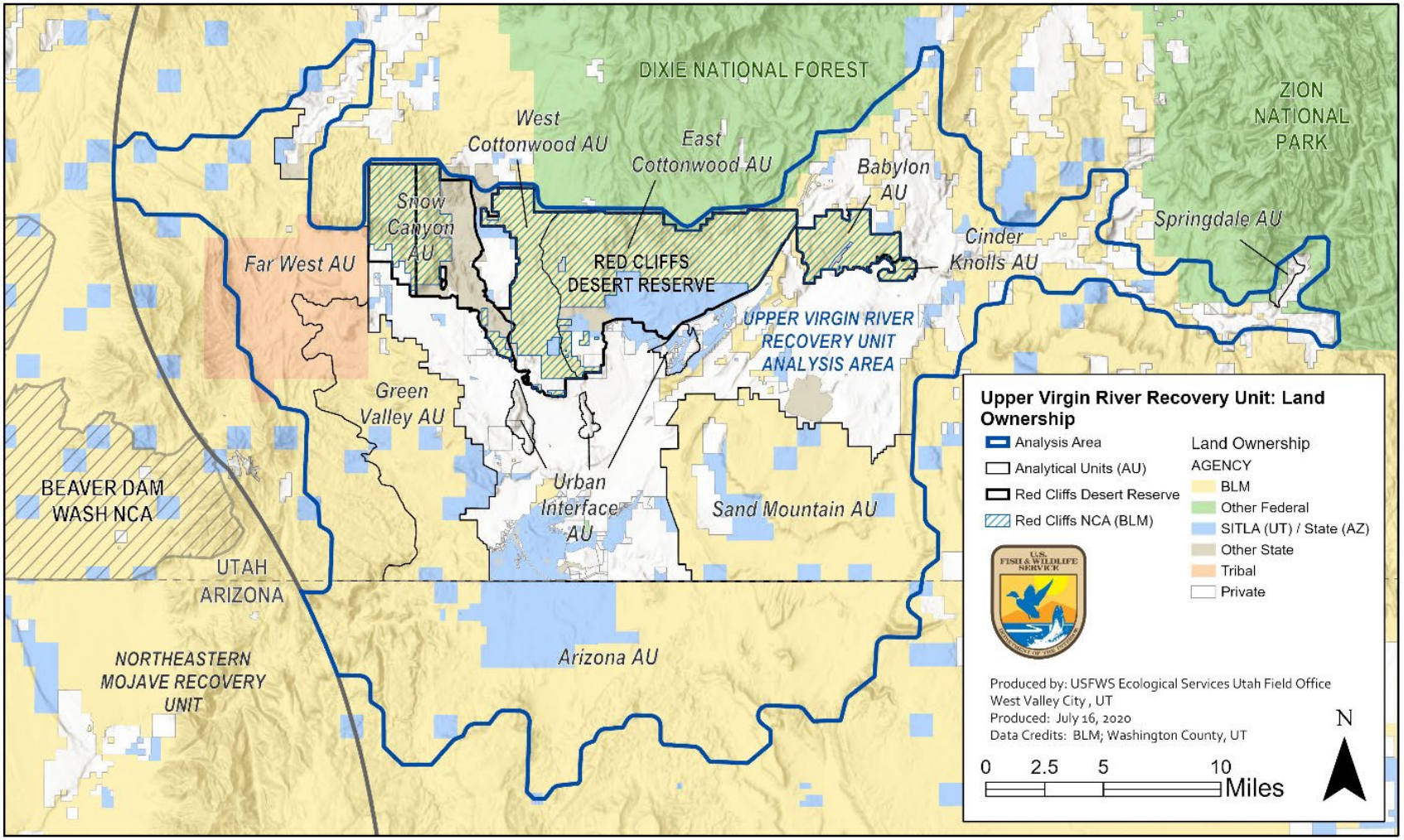


Figure 4. Land ownership and Analytical Units within the Mojave desert tortoise Upper Virgin River Recovery Unit.

Red Cliffs Desert Reserve

The Red Cliffs Desert Reserve (Reserve) was established in 1996 as the primary offset for the Take of desert tortoise habitat permitted under the Washington County HCP (Washington County 1995, 2020). The Reserve is an approximately 69,000 ac. conservation area located north and west of St. George, Utah, and adjacent to several other cities in Washington County. Most of the remaining designated critical habitat in the UVRRU (49,856 ac.; 93 percent; Figure 3) and more than half of the UVRRU desert tortoise population is concentrated in the Reserve. The Reserve has become a key component of the recovery strategy in the UVRRU and is managed by a combination of Federal, State, and local entities to protect desert tortoises and their habitat. Most of the reserve is managed by the BLM as part of Red Cliffs NCA, but other major landowners include Snow Canyon State Park and SITLA.

The Reserve, and desert tortoise population therein, is subdivided into six management zones, separated by natural and anthropogenic barriers. Reserve Zones 1, 2, and 3 are north of the cities of Ivins, St. George, and Washington and west of Interstate 15 (I-15). Reserve Zones 4 and 5 are north of the city of Hurricane, south of Leeds, and east of I-15 (Figure 4). Reserve Zone 6 is southwest of the other reserve zones, and is located south of Santa Clara, and west-southwest of St. George. The zones are described in detail in the HCP and the State's bi-annual Reserve monitoring report published by the State (Washington County 1995, 2020, UDWR 2020).

The distribution of desert tortoise is well known within most of the Reserve due to systematic surveys that are completed bi-annually in Reserve Zones 2, 3, 4, and 5 (UDWR 2020). Reserve Zone 1 is primarily on private lands and inaccessible terrain that was removed from the survey effort. In the Reserve, surveys are only conducted below 4,000 ft elevation, and slopes less than 45 degrees (for human safety). Less is known about the tortoise population in Zone 6 (6,813 ac.), as it was added to the Reserve in 2021 to offset effects from the Northern Corridor highway in Reserve Zone 3 (Washington County 2020). In the spring of 2022, Zone 6 was surveyed by Washington County using both line-distance transect and drone surveys to establish baseline abundance data and survey sensitive habitats within Red Bluffs ACEC.

Zone 4 is a BLM managed area with desert tortoises that originated primarily from translocations. This BLM area previously had few (if any) desert tortoises, though remnant tortoise sign indicated it was occupied in the past. When private and State lands in the County are within the HCP permit area, clearance surveys are performed to relocate resident tortoises. Healthy desert tortoises (of wild origin) encountered during clearance surveys areas are usually translocated to Zone 4, and have led to the reestablishment of the Zone 4 population. Both project sites occur within Zone 3 of the Reserve.

Analytical Units

At a workshop in 2019, we developed 11 Analytical Units (AUs; ten units in Utah, one unit in Arizona) to evaluate current and future resiliency of the UVRRU (USFWS 2021; Figure 4; Tables 3 and 4). The AUs were defined and delineated by a team of regional experts based on topographic, anthropogenic, and ecological factors. These factors typically included known desert tortoise population clusters, the surrounding suitable habitat areas, habitat types and conditions, and barriers to connectivity (anthropogenic and natural barriers). The Analytical Units (AUs) have allowed us to evaluate population resiliency within biologically discrete units before rescaling our analyses to the Recovery Unit or the Species.

The Reserve accounts for approximately half of the AUs in the UVRRU, but was partitioned into units based on functionality rather than the administratively defined Reserve Zones (Tables 3 and 4; Figure 4). For example, Reserve Zones 1 and 2 are combined into a single AU (Snow Canyon) and Zone 3 is split into two AUs (East and West Cottonwood) based on an impermeable road barrier. Zone 6 was established within the Green Valley AU, which was delineated prior to the establishment of the reserve zone. Given our knowledge of the tortoise population in more than half (six) of the AUs is limited, uncertainty remains regarding the distribution and density throughout much of the UVRRU.

Both project sites of the Action Area occur within the West Cottonwood AU.

Table 3. Estimated number of adult desert tortoises in each analytical unit. The analytical units are subunits of the Upper Virgin River Recovery Unit. For information on our calculations, please see USFWS 2021.

Habitat Unit	Adult Desert Tortoises
Reserve Zone 1	7 (2 - 24)
Reserve Zone 2	201 (161 - 252)
Reserve Zone 3	1,749 (1,286 - 2,380)
Reserve Zone 4	285 (160 - 507)
Reserve Zone 5	99 (75 - 131)
Reserve Zone 6	361 (208 - 642)
Far West	238 (73 - 770)
Arizona	457 (141 - 1,477)
Green Valley (excluding Zone 6)	232 (103 - 578)
Urban interface	8 (3 - 26)
Sand Mountain	216 (67 - 699)
Springdale	36 (36 - 62)
Unassigned areas	415 (128 - 1,340)
Total Desert the Reserve	**2,702 (1,892 – 3,936)**
Total in Recovery Unit	**4,306 (2,443 to 8,888)**

Table 4. The 11 AUs, west to east, for the UVRRU, including size and amount of suitable habitat.

Analytical Unit Name	Total Acres	Suitable Habitat Acres	Unit Description and Distributional Knowledge
Far West	52,773	45,300	Area of primarily Federal, Tribal, and State lands adjacent to the Beaver Dam Mountain region; largely fire-disturbed. Potentially important area for connectivity but limited distributional knowledge.
Arizona	99,537	86,894	Located in northern Arizona. Limited distributional knowledge; some observation in Virgin River Gorge. (Analytical Unit not included in 2011 recovery unit definition, which was limited to Utah).
Green Valley	31,433	30,661	Area of primarily Federal, Tribal, and State lands located west of St. George; bounded by the Santa Clara River and private lands to the east, and fire-disturbed lands to the west. Heavy recreation effects in the east including roads, trails, shooting, and dumping. Limited distributional knowledge in most of this area, one year of intensive surveys on 5,150 acres.
Snow Canyon (*Zone 1 and 2*)	16,434	6,290	Red Cliffs Desert Reserve, zones 1 and 2. Limited distributional knowledge in zone 1; extensive distributional knowledge in zone 2 through systematic surveys.
Urban Interface	3,229	1,555	Three isolated sub-units occur within the urban matrix; includes West Black Ridge, Black Ridge, and Sleepy Hollow. The first two occur in St. George City and the last area is south of I-15 near Exit 13. Several clearance surveys were conducted prior to construction and development. No systematic surveys.
West Cottonwood (*Zone 3*)	10,446	7,489	Portion of Red Cliffs Desert Reserve, zone 3, located west of Cottonwood Springs Road. Extensive distributional knowledge through systematic surveys.
East Cottonwood (*Zone 3*)	28,909	21,669	Portion of Red Cliffs Desert Reserve, zone 3, located east of Cottonwood Springs Road. Extensive distributional knowledge through systematic surveys. Burned habitat on west end, east end mostly unburned.
Sand Mountain	47,432	41,115	Sand Mountain and environs; includes primarily Federal and State lands east of Highway 7 and south of Sand Hollow Lake. Limited distributional knowledge.
Babylon (*Zone 4*)	5,489	5,404	Red Cliffs Desert Reserve, zone 4 (current translocation site). Distributional knowledge through systematic surveys. Diverse terrain and habitat types; burned habitat on northwest end of unit.
Cinder Knolls (*Zone 5*)	741	429	Red Cliffs Desert Reserve, zone 5. Extensive distributional knowledge through systematic surveys.
Springdale	906	280	West of Springdale, Utah; bounded by Zion Park Boulevard to the east, Lion Boulevard to the north, and Valley View Drive to the south. Distributional knowledge through distribution and density surveys and several years of radio-transmitter data.

Population Trends

Within the UVRRU, we have estimate approximately 4,300 adult desert tortoises with more than half of the population occurring within the Red Cliffs Desert Reserve (Table 3). Allison and McLuckie (2018) recently provided an analysis of desert tortoise population trends and documented a 24.3% decline in adult desert tortoise abundance in the Reserve and a 36.9% decline rangewide from 1999 to 2014. This summary of population changes was based on the systematically collected data in the Reserve and across the range of the species, but was measured using adult tortoise observations and lacks specific information about rates of recruitment. However, the decline in adult desert tortoises very likely represents a population decline based on (1) the species' life history traits and (2) effects to habitat condition that coincide with and compound the decline.

Population growth rates (changes in population abundance as a function of recruitment relative to survival) are generally slow in tortoise populations under normal life history processes and conditions (USFWS 2011). Chelonian (turtle and tortoise) species have a suite of traits that coevolved with high longevity, wherein delayed reproductive maturity, low adult reproductive capacity, and variable juvenile survival limit long-term population growth (Congdon et al. 1993, 1994; Heppell 1998). These traits generally require high levels of adult survival and multiple reproductive events over individuals' lifetimes to achieve stable populations (Congdon et al. 1993, 1994). As consequence, the rate of population growth in chelonian populations is highly sensitive to changes in survival rates (especially of adult age classes), and their populations' ability to withstand and recover from chronic increases in mortality is severely limited (Congdon et al. 1993, 1994; Doak et al. 1994; Heppell 1998).

Much of the decline within Red Cliffs Desert Reserve is attributed to episodic wildfires (facilitated by invasive grass invasions) and drought conditions that occurred in the early 2000's (UDWR 2018). While the Reserve population had appeared to stabilize as of 2017, four wildfires occurred in the Reserve in 2020, burning more than 8,500 ac. of tortoise habitat and resulting in tortoise mortalities and injuries (Kellam 2020). In addition to direct mortality occurring due to increased wildfire intensity and frequency, the loss of native vegetation due to drought conditions and recurring wildfire has negatively affected availability of forage and other resources in the Reserve (e.g., thermal cover, water) compounding factors affecting survival, growth, and reproduction (Esque et al. 2014). The combination of mortality and deterioration of habitat conditions make it unlikely that natural rates of reproduction and recruitment can offset the effects of adult tortoise mortality on the population without intensive management intervention. Reversing observed declines require stabilizing and improving tortoise survival rates, and will likely require some combination of: managing for quality habitat and forage; preventing and minimizing wildfire; effective habitat restoration; and if deemed necessary, propagation (i.e. headstarting) and/or translocation strategies (Reed et al. 2009).

The status of tortoise populations outside the Reserve are likely experiencing the same decline, but uncertainty remains given the limited abundance and density data from those lands. The same stressors are present throughout much of the UVRRU without the benefit of Reserve management efforts, and so the trends are likely to be worse in areas outside the Reserve where wildfire, drought, and other stressors are affecting tortoise habitat and survival with less management.

Threats

Threats to desert tortoises in the UVRRU include habitat loss, habitat fragmentation, habitat degradation, as well as additive mortality resulting from wildfire, drought, road mortality, predation, collection, and disease. The main sources of these threats are urbanization, invasive species, subsidized predators, grazing, climate change, and recreation (FWS 2021a). Many of these stressors are synergistic and are exacerbated by the expanding urban interface and increased human presence.

Habitat loss and fragmentation

The conversion of desert ecosystems into urban landscapes, renewable energy facilities, among other land uses, has led to population declines and local extirpations of desert tortoises throughout their geographic range (USFWS 2022). The development of buildings, roadways, and utility corridors all result in an expanding urban footprint and wildland-urban interface (Radeloff et al. 2005; Fischer and Lindenmayer 2007; Theobald and Romme 2007). These forms of development often result in habitat fragmentation, whereby contiguous habitats and populations are subdivided into smaller and more disconnected units (Edwards et al. 2004). Fragmentation inhibits movement and gene flow, and ultimately, can isolate populations and reduce their effective population size (Gray et al. 2019; Dutcher et al. 2020; Hromada et al. 2020). The reduction of the overall habitat area in combination with habitat fragmentation can reduce populations to low densities and render those populations more vulnerable to the effects of stochastic events (e.g., wildfire, drought, disease). Expansion of the wildland-urban interface can often intensify other stressors including invasive species, wildfire, recreation effects, road mortality, among others, which are described in the sections below.

The Project action area borders private and municipal lands in the cities of St. George and Ivins. Built in 2014, completion of the fenced Red Hills Parkway, adjacent to the action area, resulted in the loss of approximately 32 ac. of occupied desert tortoise habitat. In addition, the Red Hills Parkway fragmented approximately 435 ac. of occupied habitat. In addition, several roads adjacent to the action area, including SR-18, Red Hills Parkway, Tuacahn Drive, and I-15 likely preclude or limit natural movement of tortoise populations across the roadways. However, Red Hills Parkway and Tuacahn Drive in the Reserve have culverts intended to serve as passage structures for desert tortoise to minimize effects of habitat fragmentation. There are five culverts in Red Hills Parkway for which documented usage includes two desert tortoise detections using one culvert over three years of monitoring. Similarly, on the three culverts in Tuacahn Drive, two desert tortoises were detected using one culvert over two years of monitoring.

Within the Reserve, 38 existing ROWs are authorized on BLM-administered lands, with additional ROWs on private lands. These ROWs included roads, fiber optic lines, water pipelines, powerlines, and phone lines. New ROWs on BLM-administered lands are restricted. Filing new mining claims are no longer authorized in the Red Cliffs NCA under OPLMA Section 1974. Valid existing claims could be developed in the future contingent on regulatory requirements to minimize loss or degradation of desert tortoise habitat as described in 43 CFR 3809 and 3715 (BLM 2016).

While no utility corridors have been designated within Zone 6, three utility ROWs have been granted for a power line, a water line, and a road. These utilities occur along the eastern side of the Zone 6, on both SITLA and BLM-administered lands. As currently managed, mining can be allowed on SITLA lands if a permit is obtained. Portions of the BLM-administered lands within Zone 6 are closed to fluid mineral development (approximately 122 ac.), while the remaining acres are open with varying levels of restrictions. The BLM-administered lands within Zone 6 are also categorized as opened or opened with restrictions to locatable minerals. Additionally, approximately 1,150 ac. within the area are closed to mineral materials development, while the rest currently remain open (BLM 1999).

Roads

Existing and user-created roads can result in the loss and fragmentation of habitat, facilitate habitat degradation, and directly harm individual tortoises through wildlife-vehicle collisions (Forman and Alexander 1998). The effects of habitat loss and fragmentation are described previously in this section. Most directly, wildlife-vehicle conditions on roads and trails often result in tortoise injury or death (e.g., Boarman and Sazaki 1996; Hoff and Marlow 2002; Gibbs and Steen 2005; Steen et al. 2006). Roads can affect tortoises by eliminating access to resources within an individuals' homerange, which may lead to pacing and death (Peaden et al. 2017; Hromada et al. 2020). Often, tortoises population densities are lower near roadways (Boarman and Sazaki 2006).

Roads often degrade the surrounding habitat area (the road effect zone) by facilitating the spread of invasive plants, litter, and presence of predators that use these corridors (Forman and Deblinger 2000; Gelbard and Belnap 2003). Though noise, vibration, and lights associated with highways are potential sources of disturbance to tortoises and other wildlife adjacent to roads, desert tortoises are commonly found along these fences and are present in burrows immediately adjacent to the ROW fencing.

User created roads (e.g., OHV trails; often the result of trail braiding) directly affect soils and vegetation in desert tortoise habitat (Davidson and Fox 1974; Vollmer et al. 1977; Bury et al. 1977; Bury and Luckenbach 1983, 1986; Hinkley et al., 1983; Lovich and Bainbridge 1999; Wilshire and Nakata 1976; Wilshire 1977). Within the Reserve, roads are limited, and some unpaved non-designated roads have been closed to all OHV use or have limited OHV use as a management strategy to reduce fragmentation, maintain habitat, and restore disturbed areas. Road ROWs within the Reserve intersect with approximately 37.1 miles of desert tortoise habitat in Zones 1 through 5. Within Zone 6, tortoise habitat intersects with much of the 122.4 miles of travel routes that occur within the boundary. Of these unpaved roads and trails, 49.6 miles are for motorized use.

Until the recent designation of Zone 6, cross-country OHV use occurred widely on SITLA lands now managed as part of the Reserve Reserve, and (BLM 2017). Zone 6 is a popular recreation destination with over 100 miles of roads and trails, including unpaved roads, and motorized and non-motorized trails, many of which were user created. An estimated 42 miles of unmaintained social trails have been created in addition to the 74 miles of managed trails within Zone 6. The almost 3,229 ac. of SITLA lands support extensive OHV use, and considerable trail braiding has occurred from recreational activities (FWS 2021a). With 82,775 annual visits, Zone 6 has a

higher density of recreation use than any area on public land in the Red Cliffs NCA (pers. com. Kiel 2019; pers. com. Voyles 2020). Uses include hiking, camping, rock-climbing, equestrian use, and sightseeing. In addition, developed and informal parking areas, target practice areas, livestock fencing, and in some locations, large areas are cleared of vegetation, generally due to OHV use.

Between the years 1987 and 2021, 158 injured or dead desert tortoises were observed along roads or trails within the Reserve or surrounding areas. Prior to 2010, several of the dead tortoises were found on Cottonwood Springs Road and Red Hills Parkway. From 2011 to 2018, several more were found along Red Hills Parkway (UDWR 2019a). Between 2015 and 2021, 38 desert tortoise mortalities on roadways within the Reserve were reported to UDWR (4 – 7 mortalities reported per year; UDWR 2021). The majority of roadkill the roadkill reported in the Reserve occurs in Snow Canyon State Park (13 mortalities between 2020 and 2022), which lacks tortoise fencing along the main roadway. Because the reports are based on incidental observations, the actual number of mortalities may be underestimated.

Most paved roads in or surrounding the Reserve have tortoise fencing including I-15, SR-18, Red Hills Parkway, Tuacahn Road, and Cottonwood Springs Road. In Zone 6, most roadways are OHV trails and lack any tortoise exclusion fencing. However, the most trafficked road in Zone 6, Navajo Drive, was fenced in 2022. Though numerous undesignated trails have been closed since the establishment of Zone 6 as part of the Reserve, some trespass events continue to occur in spite of fencing and designated law enforcement staff. Over time, exclusion fencing is often degraded by erosion, floods, and other forms of weathering, and needs to be actively maintained to remain effective. There have been 13 roadkills reported along Tuacahn Drive since fencing was installed in 1994, and similar mortality numbers have been reported for other fenced roads within the Reserve including SR-18.

Although desert tortoise populations in the Reserve have declined from 1999 to 2014, there has been an increase in the number of road mortalities detected. The increase in observed road mortalities may be due to some combination of: an increase in traffic along roadways, an increase in the number of people observing road kills, improved reporting efforts, or compromised tortoise fencing.

The Red Hills Basin project site is adjacent to the SR-18 and Red Hills Parkway interchange. Tortoise fencing is in place along this section of SR-18 and Red Hills Parkway to prevent tortoises from entering the roadways, though tortoise mortalities have been reported along both roads.

Habitat Degradation

Habitat degradation within the UVRRU is caused by invasive species, wildfires, drought, climate change, grazing, recreation, and development (described above).

Invasive Species

Annual bromes (cheatgrass and red brome) and split grasses, and herbaceous weeds such as nonnative black mustard, African mustard, and London rocket (*Sisymbrium irio*), are pervasive throughout the Reserve, including the action area. These invasive grasses and forbs range from 5 to 30 percent coverage within the landscape (BLM 2016). Many vegetation communities, particularly desert scrub, shrubland, and pinyon-juniper woodlands within the Red Cliffs NCA as well as all areas that have been burned in the last two decades, are 90 to 100 percent diverged ecologically from what their original reference community was described to be (TNC 2011). Within the Reserve, half of the plots have a foliar percent cover of 70 percent or more of invasive weed species. Exotic and invasive grasses are poor forage quality for desert tortoises and often replace high quality native forbs (Drake et al. 2016). In addition, these species promote wildlife, which often results in tortoise mortality (Lovich and Bainbridge 1999; USFWS 2011).

Wildfires

Within the Reserve, mortality and habitat degradation associated with wildfires has been one of the primary drivers of desert tortoise population decline. Wildfires in the Mojave have become more frequent, more intense, and cover more expansive areas, largely due to the introduction and spread of nonnative invasive plants, such as red brome, cheatgrass, and split grasses (Lovich and Bainbridge 1999; Brooks 1999; Brooks and Esque 2002). The proliferation of invasive annual grasses increase the available fuels on the landscape and shift the ecosystem towards an annual burn-reburn wildfire cycle in the Reserve (BLM 2016).

Non-native invasive grasses can promote more intense and regular fire (a fire cycle) as part of their life-history (Lovich and Bainbridge 1999). Red brome and cheatgrass display characteristic traits that include rapid and dense growth in early season that outcompetes native vegetation. This fast growth is then followed by abrupt drying of the above-ground growth. When ignited, these dry, dense grass fuels result in extreme fire heat and intensity which create charred disturbance areas. The early-season, fast-growing nature of these grasses leads to their further dominance in re-establishment and dominance the following spring. This life history is contrasted with the slow-growing, sparse plants typical of the Mojave desert vegetation community. The result is a change in the fire regime that excludes native vegetation over time and can lead to a monoculture of non-native grasses and loss of native vegetation diversity (Lovich and Bainbridge 1999).

Nonnative annual grasses (typically red brome and cheatgrass) are pervasive in every major vegetation community in the UVRRU, which has led to increased fire frequencies and intensities (TNC 2011). Exotic annual grasses and forbs reach almost every area of the Reserve, ranging from 5 to 30 percent coverage within the landscape, with some areas approaching 90 percent cover of nonnative grasses (BLM 2016; USGS 2019). It is likely that wildfires will continue to occur and result in additional tortoise mortality.

Twenty-five fires have burned 19,250 ac. within the Reserve since 1976 and as recent as May 2021, with over 14,000 ac. burning multiple times (42 percent of all burned acres). The total number of acres burned counts the areas burned once and does not count the acreage of overlap

between different fires. Most fires in the Reserve have occurred on lands that burned previously as is common for habitat where nonnative, invasive weeds like red brome and cheat grass, that experience cycles of wildfire, have become the dominant vegetation type.

During the summer of 2005, multiple large lightning-caused fires within the Reserve burned approximately 10,244 ac. of desert tortoise critical habitat and 1,267 ac. of additional desert tortoise habitat within the Reserve (UDWR 2018). It is estimated that 15 percent of adult tortoises within Reserve Zone 3 died due to wildfires that year (UDWR 2007). Not only was mortality directly attributed to fire, but fire also caused the loss of tortoise forage (UDWR 2016).

Restoration of desert tortoise habitat is an area of current research and development that may help reverse ongoing declines (Abella and Berry 2016). In 2016, a multi-agency restoration project was implemented on 100 ac. of land on the Red Cliffs NCA burned by the Mill Creek fire in 2005. More than 9,000 native plants were installed between 2016 and 2018. Overall, plants placed in 2016 had a low survival rate at just 6 percent (BLM 2019a). Improved techniques, a more aggressive supplemental watering schedule, and additional funding to purchase and maintain cages to improve plant survival resulted in much higher survival of outplantings in 2017. UDWR hopes to continue this project through June 2021 and is continuing to care for and assess survival rates of outplantings at the Red Cliffs restoration site (UDWR 2020). Another study, conducted in 2018 by BLM, included planting over 500 native plants. By closely evaluating soil suitability for these plantings, supplemental watering was only needed on three occasions. The study found that there was 97 percent survivorship 6 months later, 74.1 percent of the plants survived after 11 months with no supplemental watering up to this point (BLM 2019a), and 49.8 percent were still alive 18 months from initial planting (pers. com. Kellam 2020).

Wildfire suppression activities are part of the active management of the Reserve intended to protect habitat and native vegetation communities. However, the prevalence of nonnative annual grasses and forbs along roadways and the increased human population density increases the probability of human-caused fires (Lovich and Bainbridge 1999). In 2020, another four wildfires burned more than 8,500 ac. of tortoise habitat in the Reserve. The July 2020 Cottonwood Trail Fire, caused by a spark on a road adjacent to the Reserve, burned 1,414 ac. within the Red Cliffs NCA in Zone 3 including 1,001 ac. of critical habitat. In a post-fire survey of 618 ac. burned by Cottonwood Trail Fire, 14 fire-killed tortoises were encountered, including five adults, seven subadults, and two juveniles (Kellam 2020). In addition, one fire injured tortoise and three uninjured live tortoises were detected (Kellam 2020). These numbers likely underestimate the total number of tortoises killed and injured within the survey area due to imperfect detection resulting from incineration, scavenging, and injured tortoises that die in burrows. Also, in July 2020, the Turkey Farm Road Fire burned 11,995 ac. of which 10,010 ac. were within Reserve Zone 3. A large portion of the Turkey Farm Road Fire occurred within the footprint of the previous 2005 fires. Two additional fires of smaller size occurred in October and November of 2020 with much of the area reburning previously burned acreage. In 2021, a human-caused wildfire burned approximated 13 acres of Reserve Zone 4. Though desert tortoises exhibit high site fidelity and continue to use burned areas, the burned area within the Reserve continues to expand with each new burn, further degrading habitat. Neither of the two project sites within the action area have burned in recent history.

Drought

Over the past century, annual precipitation in Washington County has been highly variable (NOAA 2020). Within the Reserve, a severe drought in 2002 resulted in no perennial or annual plant growth that year. Abnormal desert tortoise behavior was observed, including failure to hibernate, and there was an increase in URTD and the presence of emaciated tortoises (UDWR 2018). The following year, surveys identified 2.7 times the normal amount of shell remains, presumably a result of increased mortality from the drought. In 2003 the estimated population had dropped to 16.5 individuals per square kilometer from the 28.3 individuals per square kilometer recorded in 2001 (UDWR 2018). As a result of climate change, the frequency of severe drought (similar to conditions seen in 2002) is anticipated to increase (Rangwala 2020).

Climate Change

In the past 25 years, Washington County has generally seen average annual temperatures above the mean of 61°F and precipitation lower than the annual mean of 12 in. (NOAA 2020; Rangwala 2020). Historically, the hottest summer day had an average temperature of 105°F. It is anticipated that the number of high temperature summer days will continue to increase, while precipitation is predicted to fluctuate within ten percent above or below the mean. Climate change is expected to result in an increased frequency and duration of droughts.

Desert tortoises may be particularly sensitive to changes in temperatures because they must use behavioral thermoregulation to avoid lethal body temperatures (Barrows 2011; Huey and Berrigan 2001). Increased temperatures could mean less time available for desert tortoises to forage above ground (Huey and Kingsolver 2019). The extent to which desert tortoises can shift their hibernation period or daily activity patterns (foraging during cooler parts of the day or night) to compensate for warming temperatures is unknown. However, if the overall time available for surface activity (e.g., foraging) becomes more restricted, it is likely to negatively affect individual growth, survival, and reproduction, and adversely affect population trends (Sinervo et al. 2010; Huey and Kingsolver 2019).

As described above, tortoises show abnormal behavior during drought conditions, can become emaciated due to a lack of available forage, and are more vulnerable to disease. During droughts, desert tortoises forage over larger areas, increasing the likelihood of injury or fatality through encounters with humans and predators (Boarman 2002). In addition, drought conditions are anticipated to limit growth of some annual grasses and lead to increasing wind erosion that could affect biodiversity and air quality (Comer et al. 2013).

Flood events can trap and drown desert tortoises in burrows (Lovich et al. 2011; FWS 2011; Berry and Murphy 2019). Tortoise frequently use washes as movement corridors, and thus flooding may also increase the probability of tortoises being washed into culverts and debris piles adjacent to roads (Lovich et al. 2011). In addition, flood events often breach desert tortoise-proof fences, resulting in more potential for vehicular collisions and increased maintenance of fence lines (FWS 2011).

Climate change may affect nest and hatchling survival (Wallis et al. 1999) by affecting precipitation, soil moisture, and food resource availability (Rostal et al. 1994; FWS 2011; Lovich

et al. 2012; Gibbons 2013; Peterson 1996). Drought can result in reduced clutch frequency, while increased rainfall may increase clutch frequency (Lovich and Bainbridge 1999; Lovich et al. 2015). Temperature also affects rate of egg development, incubation timing, and sex determination (Rostal et al. 1994, Lewis-Winokur and Winokur 1995).

Grazing

Studies in desert tortoise habitat have shown that grazing has a negative correlation with the presence of tortoise sign (Berry et al. 2013; Keith et al. 2008). Livestock grazing affects desert tortoises foraging resources by reducing native plants, spreading nonnative vegetation, and disturbing soil (Fleischner 1994; Lovich and Bainbridge 1999; Reisner et al. 2013). Livestock tend to graze preferentially on native vegetation, allowing nonnative plants to establish dominance (USFWS 2011). Recovery of fragile or slow-growing vegetation may take years following grazing removal, and the proliferation of low-forage-quality invasive species in the interim may continue to limit the productivity of an area for desert tortoises. In addition to habitat degradation, livestock may also trample desert tortoise individuals and collapse burrows (Lovich and Bainbridge 1999; Nussear et al. 2012).

Grazing by livestock was eliminated from the Reserve. Until recently, grazing was permitted in Zone 6. Prior to the establishment of Zone 6, approximately 1,462 of the 3,229 ac. of SITLA lands were under active grazing leases, as were almost all BLM-administered lands (3,446 of 3,471 ac.). BLM administered two allotments that overlap portions of Zone 6, with 2,793 ac. and 150 animal unit month (AUMs) associated with the Curly Hollow Allotment (UT1401503), and 653 ac. and 48 AUMs with the Box Canyon Allotment (UT0400901). Little to no grazing occurred within the River Pasture of the Curly Hollow Allotment in the southwest quadrant of Zone 6 due to a lack of desirable forage species and recreation pressure. The grazing allotments on BLM and SITLA were closed following the establishment of Reserve Zone 6 in 2021. Grazing does not occur within the Project action area.

Recreation

Recreation can affect tortoises through a variety of mechanisms, including through direct interactions between humans and tortoises on trails (collisions, collection, predation, etc.), habitat loss through the creation of unauthorized trails, collapsing of burrows, soil and vegetation compaction, the ignition of wildfires, and the spread of nonnative vegetation, among others (Vollmer et al. 1977; Webb et al. 1978; Webb 1983; Lovich and Bainbridge 1999). Human presence is often attributed as a primary factor in desert tortoise declines (Berry and Murphy 2019). In general, desert tortoises in areas with heavy visitor use are vulnerable to collecting, vandalism, increased risk of wildfires, and road kills (Berry et al. 2008; Hughson and Darby 2013). This intensive human use, along with approaching and handling of tortoises, may affect desert tortoises and their habitat by inducing wildlife responses that affect behavior and modify use of suitable habitat (Taylor and Knight 2003). Indirect threats from recreational activities include trash and litter along trails (which can attract and subsidize predators), and the compaction of soil and vegetation around campgrounds, parking areas, and access routes. Public education can promote awareness and protection of sensitive species by recreationists through their on-the-ground activities (BLM 2017).

Each year, the Reserve attracts outdoor enthusiasts that partake in recreational activities such as sightseeing, hiking, camping, mountain biking, OHV use, rock-climbing, and horseback riding. Between October 1, 2018, and September 30, 2019, visitor numbers documented in the BLM Red Cliffs NCA were 190,000 (BLM 2019b). However, recreation usage of the Reserve has increased throughout the COVID-19 pandemic. In 2019, Snow Canyon State Park (Reserve Zone 2) received approximately 500,000 annual visitors, while in 2021, the Park received more than 700,000 annual visitors.

The Red Hills Basin project site occurs in Reserve Zone 3, but along the border of Reserve Zone 2 and some of the Action Area is managed by Snow Canyon State Park. The Red Hills Basin project site contains a 500-ft section of multi-use paved pathway. The Industrial Park North Basin Action does not have recreation features or access.

Predation

Desert tortoises are highly vulnerable to predation as eggs, hatchlings, and juveniles, but are rarely preyed upon once they achieve adult age- and size-classes (Bjurlin and Bissonette 2004; FWS 2011). Desert tortoises are preyed on by a variety of avian, mammalian, and reptilian predators including ravens, road runners, coyotes, foxes, badgers, Gila monsters, and snakes. While predation is a natural component of the desert ecosystem, certain predators, especially ravens, have followed the expanding wildland-urban interface and achieved inflated densities as a result of human subsidies (Walde et al. 2007). As opportunistic feeders and scavengers, ravens readily forage on road kill, garbage and other waste. In addition, buildings and transmission line infrastructure has greatly expanded the availability nesting and perch sites throughout the Mojave Desert. Ravens are highly intelligent birds, and quickly learn to detect and focus on juvenile tortoises as a reliable food source. Subsidization of ravens has thus led to elevated predation rates of desert tortoises and other prey species across the American west (Boarman 2003).

In the UVRRU, it is unclear whether current raven predation is occurring above natural levels, and whether that predation is having a significant effect on tortoise recruitment. As of 2019, all active raven nests were located on cliffs or cottonwood trees. Remnants of old nests can be found on transmission line towers, although the power companies often remove the nests. Monitoring of raven nests and predation will eventually inform whether raven control measures are warranted (Washington County 2018).

Baseline data on raven predation has been gathered annually since 2015 to evaluate the raven population trend and abundance (Washington County 2019). Surveys are conducted at all known raven nesting areas and along transmission lines on Federal and non-Federal lands within and adjacent to the Reserve. Surveys have identified raven predation on hatchling and juvenile desert tortoises, including two individuals in 2015 (Washington County 2015), eight in 2017 (Washington County 2017), four in 2018 (Washington County 2018), and fourteen in 2019 (Washington County 2019). In 2018, two carcasses were found beneath utility poles that are adjacent to Zone 5 (Washington County 2018). A raven was observed picking up a tortoise in Snow Canyon in Zone 2 in 2019 (Washington County 2019). Surveys conducted in 2019 found raven nests at 17 sites, including 11 inside the Reserve. A raven was observed dropping a

tortoise on Cottonwood road within Zone 3 (Washington County 2019). Most raven nests that have been discovered within the Reserve are in Zone 3 (Washington County 2019).

Pets are required to be on a leash within the Reserve, except for hunting dogs who are with a licensed hunter during official hunting seasons. Various reports over the last 10 years indicate predation of tortoises by dogs in the Reserve. Approximately 6 tortoise shells were observed near the Black Rock-climbing area in Snow Canyon State Park, and officials speculated that the tortoises were either scavenged or predated on by dogs (UDWR 2019b). Several years ago, two tortoises were injured as disclosed by the owner of the dogs that had mauled the tortoises.

Collection

One of the largest threats to desert tortoise is illegal collection of tortoises from their habitat (FWS 2011). A 2019 field report by UDWR indicated 38 incidents of suspected or confirmed illegal take of desert tortoises from the Reserve and surrounding areas (UDWR 2019b). Most reports involved reproductive adults (84 percent); fewer reported incidents of juveniles and immature tortoises being taken are likely due to their lower detection rate (UDWR 2019b). While 17 of the tortoises were returned to the Reserve after testing negative for disease, 13 were not able to be returned, and 6 were found dead or were euthanized due to injuries. It was not clear what became of two of the tortoises.

Disease

Desert tortoise within the Reserve have both URTD and shell disease (UDWR 2018). Shell disease was observed in relatively high-density tortoise areas, including areas around Cottonwood Wash, Middleton Wash, and the Red Hills Parkway (UDWR 2018). URTD has been observed throughout the Reserve, and since 1998, the proportion of tortoises showing clinical signs of the disease has ranged from 4% to 16%. In 2017, 11% of the 147 tortoises processed in the Reserve showed signs of URTD (UDWR 2018). Desert tortoise translocated long distance (e.g., greater than 984 ft.) and into Zone 4 of the Reserve require a health screening prior to release. Health evaluations, which include blood tests, reduce the potential for a tortoise exposing others to disease.

Assessment of AUs within the Action Area

Both project sites of the Action Area occur within Reserve Zone 3 and the West Cottonwood AU. The Red Hills Parkway Basin occurs at the southwest corner of these management units, bordering the Snow Canyon AU (and Reserve Zone 2) boundary. The Industrial Park North Basin occurs along the southern boundary of the West Cottonwood AU near the East Cottonwood AU border. Lands on the non-federal portion of Industrial Park North Basin (outside the Section 7 Action Area) were not assigned to an analytical unit, as this area already exists within the HCP take area and has been developed.

In 2017, Reserve Zone 3 accounted for 75% of the desert tortoise population in the Reserve, with an estimated adult population size of 1,749 tortoises and an average density of 17.2 adult tortoises per km^2 (UDWR 2018). Zone 3 is split into the East and West Cottonwood AUs due to the presence of Cottonwood Springs Road, which bisects Zone 3. The West Cottonwood

AU encompasses 10,446 ac. of habitat, of which 7,489 ac. (72 percent) are suitable for desert tortoises (FWS 2021a). The densest tortoise population clusters in Zone 3 occur within the West Cottonwood AU (FWS 2020).

Overall, the Cottonwood AUs likely have the greatest influence on the resilience of the UVRRU, because these units support desert tortoises at relatively high densities (some of the highest in the species' range) and collectively comprise a relatively large, intact area (FWS 2021a). Since the mid-2000s, desert tortoise abundance has declined across Zone 3. This decline is generally attributed to episodic wildfires and deterioration of habitat conditions, both of which have increased with the establishment of non-native invasive grasses (TNC 2011). Although the specific project sites within the West Cottonwood AUs have been relatively unaffected by major wildfires, desert tortoise density in the action area may be affected by nearby habitat conditions. Because of the effects of habitat degradation associated with non-native invasive grasses, and wildfires, the resilience of the Zone 3 AUs are considered in moderate condition (FWS 2021a). Desert tortoises experience few barriers to movement within the West Cottonwood AU. However, connectivity with neighboring AUs is restricted by Cottonwood Springs Rd. and SR-18, which border the AU to the east and west, respectively. These roads are fenced and lack tortoise passage structures. Resiliency for the adjacent Snow Canyon AU is also in moderate condition (FWS 2021a).

Efforts are underway to restore habitats burned by recent fires in the Reserve. Generally, we expect that remaining and adjacent desert tortoises would repopulate burned areas at similar, pre-fire densities in the event habitat is restored (Esque *et al.* 2003). Improving habitat conditions with native vegetation and preserving connectivity among population clusters throughout the AU could prove important to the long-term status of this AU.

In addition to the threats described above, desert tortoises in Zone 3 will be affected by the Northern Corridor Highway and utility development per the Washington County HCP (FWS 2021b, 2021c).

Tortoise Abundance within the Action Area

Pre-project presence surveys were performed within a 300 ft. buffer area of the project sites. At the Red Hills Basin, pre-project surveys detected two occupied burrows and one inactive burrow within a 300 ft. buffer of the project site (approximately 17.6 ac. [0.07 km^2] search area), as well as two inactive burrows within the expanded inundation area. No burrows were detected within the limits of construction. Based on this information, we expect that there are two adult desert tortoises within the Red Hills Parkway Action Area. This estimate is consistent with both the survey results and the known population densities in Reserve Zone 3 (17.2 adult tortoises/km^2 [95% CI: 12.6 – 23.4]; UDWR 2018). No tortoises or sign were detected at the Industrial Park North Basin. Given the marginal suitability at the Industrial Park Basins, we do not expect resident tortoises to occupy this Industrial Park North Basin Action Area.
Detection of hatchling and juvenile desert tortoises (<7.1 inches [180 mm] carapace length) has proven unreliable for the species. Estimating densities of juvenile desert tortoises is difficult because of low detection probabilities due to their small size and cryptic nature. Demographic research of average desert tortoise populations suggests that 13 percent are adults (≥ 7.1 inches

carapace length [180 mm]), 69 percent are juveniles, and 18 percent are hatchlings (Turner *et al.* 1984, 1986, 1987). Based on these percentages the number of adults can be multiplied by 1.3 to estimate hatchling abundance, and by 5.2 to estimate juvenile abundance (FWS 2017). Table 5 below summarizes an estimate of desert tortoise hatchlings and juveniles that may be in the surrounding area of the Project based on 1 desert tortoise adults, as identified above.

Given the presence of active burrows at the Red Hills Basin project site, the Action Area could also contain desert tortoise eggs. We do not expect tortoise eggs to be present at the Industrial Park Basin project site due to the poor habitat suitability and lack of burrows. Estimating the number of tortoise eggs is extremely difficult given that the eggs incubate buried beneath the soil surface. Therefore, rather than calculate an unreliable estimate for the number of eggs that may occur in the action area, we instead recognize that some indefinable loss of desert tortoise eggs is a possibility year-round.

Table 5. Number of tortoises estimated within the action area per age class. Decimals are rounded up to the nearest whole number of desert tortoise individuals reported in parentheses.

Estimated Desert Tortoises in Action Area	**Red Hills Basin**	**Industrial Park North Basin**
Adults	2	0
Juveniles (= Adults x 5.2)	10.4 (11)	0
Hatchlings (= Adults x 1.3)	2.6 (3)	0
Eggs	Unknown	0

Status of Critical Habitat in the action area

The factors affecting desert tortoise designated critical habitat across the range of the species include the loss, degradation, and fragmentation of the habitat from urbanization, roads, off highway vehicle activity, recreation, non-native plant invasion, wildfires, grazing, agricultural uses, solar farms, landfills, and military operations (FWS 2011). These disturbances to critical habitat have reduced populations of the desert tortoise throughout the range of the species (FWS 2011). Large amounts of development have occurred throughout the range of the species. These developments include buildings, solar farms, roads, military installations, agricultural fields, orchards, bridges, landfills, and other facilities for the public. These effects degrade or eliminate critical habitat for desert tortoises.

The Project occurs in the UVRRU where 53,366 ac. of critical habitat have been designated. Within the UVRRU, approximately 2,821 ac. of critical habitat has been lost to development, and the recently permitted Northern Corridor in Zone 3 will result in the loss of an additional 276 acres (3,097 ac. total). Collectively, these losses represent 5.8 percent of the designated critical habitat in the UVRRU.

Within the Reserve and the Action Area, most of the physical and biological features are intact. Human development in the St. George area has led to some limitations on the ability of desert tortoises to move naturally to support the populations genetic exchange between animals in sub-populations. In addition, severe wildfire events in 2005, 2006, and 2020 resulted in degraded

desert tortoise habitat within the Reserve (FWS 2011; Kellam 2020; FWS 2021a). These events have adversely affected the physical and biological features that provide sufficient space for movement and dispersal, sufficient quantity and quality of forage, and sufficient vegetation for shelter from temperature extremes and predators.

Conversely, several habitat restoration projects led by the BLM and UDWR have occurred within the Reserve. These projects have focused on replacing non-native vegetation with native forbs and shrubs in the action area. The success and effectiveness of these restoration efforts continue to be evaluated (FWS 2021a). However, these projects cover small areas compared to what has burned (approximately 200 ac. restored compared to 19,240 ac. burned cumulatively, including reburned areas, across all years). Some areas that have burned once appear to be recovering naturally as evidenced by the most recent LANDFIRE Remap data; however, data show that a portion of areas previously burned are now dominated by invasive species (TNC 2011, USGS 2019). In addition, some portions of critical habitat are affected by recreational use in the Reserve, but those affected areas still retain sufficient physical and biological features for desert tortoise to survive.

While designated as critical habitat, the Industrial Park North Basin site is poor quality habitat and likely does not overlap resident tortoise homeranges. The area is largely inaccessible to desert tortoises due to topographic relief (large stone outcrops) and habitat degradation that has resulted from illegal dumping and proliferation of invasive plant species. At worst, this area may function as a terrain trap for tortoises.

Effects of the Action

The proposed action would require the use of heavy equipment and result in ground disturbance at both project sites of the Action Area. Ground disturbance would occur from the excavation of detention ponds, installation of spillway structures, construction of embankment walls, removal of tamarisk and debris, installation and replacement of fencing, and the construction of a gravel service road. The areas constructed as detention basins would then experience temporary flooding during intense rain events.

The Red Hills Basin Action Area (5.8 ac.) will result in 0.13 ac. of permanent disturbance from basin earthwork and the outlet structure. The proposed action will also result in 1.15 ac. of temporary effects from access and staging (including a temporary access road, vehicle and equipment site access, equipment movement to construct the embankments and install outlet structures, and revegetation) and 0.44 ac. of temporary effects from the expanded inundation area (1.59 ac. of temporary effects in total). Approximately 2 ac. of the Red Hills Basin Action Area are within the existing 100-year inundation area and are not expected to be significantly altered from the environmental baseline. In addition, an approximately 2 ac. area was identified as occurring within the action area due to the potential for indirect effects associated with repair and replacement of the existing tortoise fence along Red Hills Parkway. However, in reviewing the effects of the action, the Project will not result any direct and indirect effects occurring in this area outside of the existing fence repair and replacement.

The Industrial Park North Basin Action Area (~0.85 acres) will result in 0.08 acres of permanent disturbance from basin earth work. The proposed action will result in 0.39 acres of temporary disturbance from access, staging, removal of debris and tamarisk (from the channels leading to the basin), and 0.11 acres of temporary effects from the expanded inundation area. The remaining 0.33 acres of temporary disturbance at the Industrial Park North Action Area are the result of fencing upgrades which will help to exclude tortoises from an existing terrain trap.

Desert tortoises are vulnerable to effects from ground-disturbing activities within the proposed project area. Desert tortoise fatalities and injuries may result from crushing by construction equipment or vehicles during construction or maintenance activities and along access routes into work areas. Ground disturbing activities may also entomb desert tortoises in their burrows or dens. We consider the likelihood of desert tortoise fatality low for this Project, given that: (1) desert tortoise exclusion fence will be constructed and/or repaired prior to ground disturbance activities; (2) pre-project clearance surveys will be conducted immediately prior to ground disturbance within the Project area; (3) direct ground disturbance activities will occur over an less than three acres in size; and (4) a desert tortoise monitor or FCR (depending on the season; Table 2) will check the Project area for tortoises and to ensure project compliance with the committed conservation measures.

Ground disturbance activities associated with construction can also disturb the soils and vegetation of desert ecosystems that support desert tortoises, and may affect desert tortoise populations and habitat quality over time through the loss or alteration of soil conditions, vegetative cover, and forage. Some of the project activities would require the use of heavy equipment and result in mechanical (i.e., ground) disturbance throughout the action area. However, we anticipate the effects to desert tortoise habitat will be insignificant for this project given the small amount of suitable and critical habitat disturbed, and the revegetation commitments to minimize the effects of temporary disturbances.

While invasive grasses are already present at both project sites, ground disturbance can further spread invasive plants within and around the Action Area. Project vehicles and equipment may transport nonnative plant propagules into the Project area where they may become established and proliferate. Invasive grasses degrade habitat and increase wildfire risk, which can result in the direct mortality of tortoises and decrease the availability of quality forage and thermal cover on the landscape (FWS 2011; Brooks *et al*. 2003). Invasive species and wildfire also. The applicant has committed to implement actions to avoid and minimize the introduction of weeds, including the power washing of equipment prior to site entry, creation of a Revegatation Plan (weed-free and locally derived seed mixes), and weed management through low-toxicity and spot-treating herbicide.

Desert tortoises encountered within the Project area during surveys or construction will be relocated outside the Project area. Construction workers or others would not approach or handle desert tortoises found in the Project area during Project activities, and all nearby Project activities would be halted immediately until the desert tortoise leaves the area or is moved from the site by an approved biologist. Tortoises that are handled may void their bladders which could result in death by dehydration if the animal is not rehydrated (Averill-Murray 2002; FWS 2009). Only qualified UDWR or Red Cliffs Desert Reserve staff will handle tortoises

using approved handling protocols (FWS 2009). Tortoises that are relocated may be temporarily disturbed from normal daily activities, but we do not anticipate any injury or mortality from these disturbances. Tortoises would be relocated within 984 ft. of their capture location, allowing them to remain within close proximity to, if not wholly within, their current home ranges to further minimize stress levels.

In the Section 4.0 of this document, the environmental baseline, we estimate there may be 2 desert tortoise adults, 11 juveniles, 3 hatchlings, and an unknown number of eggs within the Red Hills Basin Action Area. The Project may also overlap an unknown number of adult, juvenile, and hatchling home ranges. Imperfect detection of desert tortoises is largely due to their cryptic nature and fossorial habits. In the case of juveniles, hatchlings, and eggs, their small size and location underground further reduce or preclude detection, and leaving them more vulnerable to project activities. Activities that occur during the primary nesting and incubating period (approximately May to September) are most likely to result in egg mortality. Eggs and hatchlings have the lowest survival rates in chelonian populations and their mortality has less effect on population dynamics relative to adult mortality (Congdon et al. 1993, 1994). In desert tortoises, 47 to 51 percent of hatchlings may survive their first year (Germano *et al.* 2002), but only 2 to 5 percent of hatchlings are estimated to reach reproductive maturity (Holing 1986).

Currently, the Red Hills Basin becomes temporarily inundated during storm events, but the effects of the action will expand the 100-year inundation zone to an area that includes two tortoise burrows, increasing the likelihood that a tortoise may drown in a burrow. The vegetation and soil conditions in the detention basins are not expected to change based on the limited frequency and short duration of inundation, although there may be an increase in weedy or invasive vegetation near the inlets and outlets of the primary spillways over the course of time.

Combined across both sites of the Action Area, the Project will result in the permanent disturbance of 0.14 ac., which represents less than 0.003 percent of the approximately 50,000 ac. of undeveloped critical habitat in the UVRRU. Expected effects to each physical and biological feature are as follows:

1. Sufficient space to support viable populations within each of the six recovery units and provide for movements, dispersal, and gene flow:
    - The 0.14 ac. of permanent effects are minimal and will not affect the viability of the species or space sufficiency within the UVRRU.
    - The project sites occur along the boundaries of the Reserve in areas bordered by roads or industrial development. Based on this configuration of the landscape, the project will have no effect on tortoise population connectivity.
2. Sufficient quantity and quality of forage species and the proper soil conditions to provide for the growth of such species:
    - Forage species and soils conditions in the temporary effect areas as well as the dry basin footprints, are unlikely to change significantly.
3. Suitable substrates for burrowing, nesting, and overwintering, (cont.)
4. Burrows, caliche caves, and other shelter sites:

- Burrows, caves, and other shelter sites are present in the Red Hills Basin action areas and the proposed effects may alter substrates that would normally be utilized by tortoise, specifically during temporary inundation of the basin during storm events.
- Burrows, caves, and other shelter sites are not present in the action areas for the Industrial Park Basin as this site will be are fenced off from tortoise and the proposed effects will not alter substrates that would normally be utilized or accessible by tortoise.

5. Sufficient vegetation for shelter from temperature extremes and predators.
    - Some vegetation will be permanently removed where the embankments and control structures will be installed.
    - Vegetation will be restored in the temporary effect areas and is expected to be available tortoise to use for shelter on a regular basis.
6. Habitat protected from disturbance and human-caused mortality
    - At the Red Hills Basin, the habitat protection will remain the same after the proposed actions have been complete which includes limited vehicle and pedestrian access based on existing roadway fencing. Occasional vehicle access may be necessary as part of the operation and maintenance of the basin, and is expected to occur approximately every five to ten years.
    - The Industrial Park North Basin area has very little suitable habitat, and disturbed areas near the basin and industrial lots will be inaccessible to tortoise as a result of fencing and steep terrain.

Though the proposed action will result in 0.08 ac. of permanent disturbance to critical habitat at Industrial Park North, the affected habitat has already been disturbed by the creation of an unauthorized berm, dumping of debris, and proliferation of invasive species. While tortoises sometimes use washes as movement corridors, these channels already terminate at an industrial complex. As mitigation for effects to critical habitat at the Industrial Park North Basin, the applicant has committed to upgrading and extending the fencing at the project site around the hazard area, and removing the existing trash, debris, and invasive species present at the site. These actions will improve habitat at the site and the overall effect at Industrial Park North will likely be beneficial.

Cumulative Effects

Cumulative effects "…are those effects of future state, or private activities, not involving Federal activities that are reasonably certain to occur in the action area of the Federal action subject to consultation" (50 CFR section 402.02). We do not consider future Federal actions that are unrelated to the proposed action in this section, because they require separate consultation pursuant to section 7 of the ESA.

Beyond operation and maintenance activities associated with the proposed actions, future effects are not expected at any of the basins, as both project sites are already surrounded by some combination of existing industrial development (Industrial Park), roads (Red Hills), protected lands. The adjacent industrial lots and road ROWs will likely require maintenance future which may affect the action area. However, because the project sites will serve as a detention basins, it

is unlikely that the Action Area itself will be subject to future development. Climate change will likely continue affect tortoises on both Federal and non-Federal lands.

Jeopardy and Adverse Modification Analysis

Section 7(a)(2) of the ESA requires that Federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat.

Jeopardy Analysis Framework

Section 7(a)(2) of the ESA requires that Federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. "Jeopardize the continued existence of" means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR 402.02). The following analysis relies on four components:

1. Status of the Species, which evaluates the range-wide condition of the listed species addressed, the factors responsible for that condition, and the species' survival and recovery needs;

2. Environmental Baseline, which evaluates the condition of the species in the action area (excluding the consequences to the listed species or designated critical habitat caused by the proposed action), the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the species;

3. Effects of the Action (including those from conservation measures), which includes all consequences to listed species that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action; and,

4. Cumulative Effects, which evaluates the effects of future, non-Federal activities in the action area on the species.

The jeopardy analysis emphasizes the range-wide survival and recovery needs of the listed species and the role of the action area in providing for those needs. We evaluate the proposed Federal action within this context, taken together with cumulative effects, for making the jeopardy determination.

Destruction or Adverse Modification Analysis Framework

Similar to our jeopardy analysis, our destruction or adverse modification analysis of critical habitat relies on the following four components:

1. Status of Critical Habitat, which evaluates the range-wide condition of designated critical habitat in terms of the physical and biological features (PBFs), the factors responsible for that condition, and the intended recovery function of the critical habitat overall;

2. Environmental Baseline, which evaluates the condition of the critical habitat in the action area (excluding the consequences to the listed species or designated critical habitat caused by the proposed action), the factors responsible for that condition, and the recovery role of the critical habitat in the action area;

3. Effects of the Action, which includes all consequences to critical habitat that are caused by the proposed action (including the consequences of other activities that are caused by the proposed action), the consequences of any activities on the PBFs and how they will influence the recovery role of affected critical habitat units; and,

4. Cumulative Effects, which evaluate the effects of future, non-Federal activities in the action area on the PBFs and how they will influence the recovery role of affected critical habitat units.

Conclusion

After reviewing the current status of desert tortoise, the environmental baseline for the action area, the effects of the proposed action, and cumulative effects, it is our biological opinion that the proposed action is not likely to jeopardize the continued existence of the desert tortoise. We base this conclusion on the following:

1) We estimate there are 1,749 adult desert tortoises, 9,095 juveniles, and 2,274 hatchlings in Reserve Zone 3 (total 13,118 desert tortoises in all life stages) and there are 4,306 adult desert tortoises, 22,392 juveniles, and 5,598 hatchlings in the UVRRU (total 32,296 desert tortoises in all life stages). As discussed above in the Environmental Baseline section, we estimate 2 adult desert tortoises, 11 juveniles, or 3 hatchlings occur in the action area.

2) Desert tortoises that are non-lethally harassed, harmed, or translocated as a result of project activities would still be able to contribute to the survival and recovery of desert tortoises in the UVRRU and rangewide.

3) As discussed in the Incidental Take Statement below, we do not expect all estimated 16 desert tortoises in the Action Area will be taken. We do not anticipate adult desert tortoises will be killed as a result of construction activities given the small size of the action area and the committed conservation measures. We estimate that up to 50 percent of the estimated juveniles and hatchlings may be injured or killed from construction (6

juveniles and 2 hatchlings). Further, we estimate that no more than one tortoise may die by drowning once every 25 years as a result of the inundation of the action area during large storm events.

4) In sum, we anticipate the loss of desert tortoises from proposed action would represent less than 0.1 percent of the desert tortoises in Reserve Zone 3 and less than 0.05 percent of the desert tortoises in UVRRU, across all age classes. Thus, we do not expect the lethal take of desert tortoises from the project to appreciably affect both the survival and recovery of desert tortoises in the wild by reducing the reproduction, numbers, or distribution of the species in the UVRRU or rangewide.

5) The Project will result in the permanent loss of 0.14 ac. of habitat, which represents less than 0.003 percent of the approximately 50,000 ac. of undeveloped critical habitat in the UVRRU. Rangewide, there are 6.4 million ac. of designated critical habitat. Thus, we do not expect the loss of desert tortoise designated critical habitat to alter critical habitat in a way that diminishes the value of critical habitat as a whole for the conservation of desert tortoises. In addition, the City of St. George and NRCS have committed to contributing $6,687 to the National Fish and Wildlife Foundation (NFWF) Utah desert tortoise subaccount to offset project effects to critical habitat expected at the Red Hills Basin site. These funds will be applied to desert tortoise recovery efforts within the Upper Virgin Recovery Unit

6) All desert tortoise suitable habitat areas temporarily affected by construction activities at the Red Hills Basin will be revegetated (1.59 ac.), minimizing long-term effects of the Project to desert tortoise. The 0.84 ac. of temporary disturbances at the Industrial Park North Basin are all related to habitat improvement activities including the removal of debris and invasive plants, and the installation of fencing to exclude tortoises from an existing hazard area. These temporary actions at Industrial Park North are expected to be beneficial to desert tortoise.

Incidental Take Statement

Section 9 of the ESA and Federal regulations pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. The regulations define harm as "an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR section 17.3). Harass is defined by regulation as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering" (50 CFR section 17.3). Incidental take is defined as "…takings that result from, but are not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency or Applicant" (50 CFR section 402.02).

Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the ESA provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described below are non-discretionary and must be undertaken by the Applicant and NRCS so that they become binding conditions of any grant or permit issued to the Project proponent, as appropriate, for the exemption in section 7(o)(2) to apply. If NRCS fails to assume and implement the terms and conditions, or fails to require the Applicant to adhere to the terms and conditions of the Incidental Take Statement through enforceable terms that are added to any grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the effect of incidental take, NRCS and the Applicant, as appropriate, must report the progress of the action and its effect on the species to us as specified in the Incidental Take Statement [50 CFR section 402.14(i)(3)].

Amount or Extent of Take Anticipated

Take of the desert tortoise is reasonably certain to occur from construction and maintenance activities and associated conservation measures, including excavating burrows and relocating desert tortoises outside of the construction zone. Construction and maintenance activities will occur at any time of year, including during the desert tortoise's higher active period (February 15 to November 30). As previously described, construction and maintenance activities during this period can result in direct injuries and fatalities from vehicle collisions and entombment, as well handling procedures during excavations and relocations. Construction and maintenance activities may also reduce the fitness of desert tortoises as vegetation used by desert tortoises for shelter and forage are removed when desert tortoises are active and may change the vegetation community in all seasons. These situations may result in injury, harassment, or death of desert tortoises.

- The applicants have committed to several measures to reduce the likelihood of desert tortoises entering the construction areas and will remove any desert tortoises that enter these areas. Thus, we do not expect all estimated 2 adult, 11 juveniles, or 3 hatchlings in the Action Area will be taken. However, we cannot exclude the possibility that some desert tortoises may enter the Project footprint or remain undetected. Given the small size of the action area, the low number of adult tortoises expected to be present at the site, and the committed conservation measures, we do not anticipate adult tortoises being injured or killed from being buried or being crushed during construction activities. However, desert tortoise juveniles and hatchlings are more difficult to detect and we do not know where they are in the action area. We estimate that 50 percent of the estimated juveniles and hatchlings may be injured or killed from construction (6 juveniles and 2 hatchlings). Calculations for determining number of eggs in an area are difficult to confirm in the field. Therefore, an unknown number of eggs may be taken by the Project activities. The action agencies will track the known take of all desert tortoise eggs, hatchlings, juveniles, and adults from the construction and maintenance of the Project.

- Both project sites are bordered by development on one to two sides. In the case of the Industrial Park North Basin, the project site likely does not support resident tortoise home ranges. Therefore, we do not anticipate that encounters will be frequent in the action area during construction of the detention basins. We expect that non-injury or non-lethal incidental take of desert tortoises for the purposes of translocating desert tortoises during both construction and maintenance activities could be as much as 1.5 times the number of adult, hatchling, or juvenile tortoises estimated in the Red Hills Basin site. Therefore, we anticipate a total of 3 adult, 17 juvenile, and 5 hatchling desert tortoises and an unknown number of eggs could be harmed due to being translocated away from construction or maintenance activities.

- The Basin would detain water during flows equivalent to or larger than the 2-year flood event. The auxiliary spillway would begin to convey water for flows that are equivalent to or larger than the 100-year flood event, at which point approximately 1.12 acres would be inundated. It would take approximately 12-hours for the basin to empty following a 100-year flood event. Burrows and other shelter sites in the inundation area would be temporarily flooded and would not provide adequate protection for desert tortoises during operation of the detention basins. Desert tortoise in the inundation area may drown, and their eggs be destroyed or abandoned. Additional disturbance to individuals surrounding the basin during operation may result in displacement. However, we feel that the probability for mortality is small given that (1) the flooding of tortoises burrows will require a large flood event (mostly likely a 50+ year flood), (2) burrows would have to be occupied at the time of flooding, and (3) that tortoises are unable to escape their burrow before drowning. If both burrows in the project area remain active, we anticipate the possibility that two tortoises could drown in floods once every 50 years while the basin is active (or on average, one tortoise every 25 years).

In sum, we anticipate the following:

- 6 juveniles and 2 hatchlings to be injured or killed from construction activities.
- 3 adult, 17 juvenile, and 5 hatchling desert tortoises and an unknown number of eggs could be non-lethally harmed due to being translocated away from construction or maintenance activities.
- 1 tortoises of any life stage could be killed or injured by inundation events once every 25 years.

Effect of the Take

We estimate there are 4,306 adult desert tortoises, 22,392 juveniles, and 5,598 hatchlings in the UVRRU; about half of which are in designated critical habitat. The one adult desert tortoise that could drown (once every 25 years) is unlikely to reduce appreciably the likelihood of survival and recovery of the estimated 4,306 desert tortoises in the Upper Virgin River recovery unit, and represents less than 0.05 percent of all adult desert tortoises in the UVR recovery unit. Likewise, the 6 juveniles and 2 hatchlings each represent less than 0.05 percent of the estimated tortoises in those age classes in the UVRRU. Because adult mortality drives desert tortoise population demographics much more than juvenile mortality (0.87 and 0.12 respectively; Darst *et al*. 2013), these small percentages of possible juvenile and hatchling take are unlikely to affect the viability of the UVR recovery unit. In addition, Washington County is implementing a Habitat Conservation Plan to offset cumulative effects from habitat fragmentation and loss from human development and recreation on State and private lands in Washington County (Washington County 2020).

As described in the Jeopardy and Adverse Modification Conclusion section, we determined that the Project is not likely to jeopardize the continued existence of desert tortoise. We also determined the Project is not likely to destroy or adversely modify designated critical habitat.

Reasonable and Prudent Measures and Terms And Conditions

In order to be exempt from the prohibitions of section 9 of the Act, the action agencies must comply with the following terms and conditions, which implement the reasonable and prudent measures (numbered items) and outline reporting and monitoring requirements. The terms and conditions are non-discretionary.
The following reasonable and prudent measures and implementing terms and conditions are necessary and appropriate to minimize take of desert tortoise:

1. The action agencies shall implement programs and procedures to minimize injury or fatality of desert tortoises during Project activities.

2. Authorized activities will require monitoring of the desert tortoise population throughout the duration of the Project construction. The development of the appropriate level of monitoring will occur in coordination with the action agencies and USFWS.

3. The action agencies shall submit a desert tortoise relocation report to the Utah Ecological Services Field Office by February 1 of each year of construction. Specifically for this Project, the report shall briefly document the number of desert tortoises relocated, as well as actions taken to implement these terms and conditions, the effectiveness of these terms and conditions at reducing take of desert tortoise, and information on individual desert tortoise encounters. The report shall make recommendations for modifying or refining these terms and conditions to enhance desert tortoise protection.

4. The action agencies shall notify the Utah Ecological Services Field Office of any post-construction desert tortoise fatalities documented within the action area that result from

Project activities. The report should include the estimated age class, size, and sex of the desert tortoise. Additionally, any circumstances that can be determined regarding the fatalities should be included. The action agencies shall notify the Utah Ecological Services Field Office (801- 975-3330) within 72 hours of discovering the fatalities, or as soon as possible.

Review requirement: The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize the effect of incidental take that might otherwise result from the proposed action. If, during the course of the action, the level of incidental take is exceeded, such incidental take would represent new information requiring review of the reasonable and prudent measures provided. The action agencies must immediately provide an explanation of the causes of the taking and review the need for possible modification of the reasonable and prudent measures with the Utah Ecological Services Field Office.

Reporting Requirements

Upon locating a dead or injured desert tortoise or other ESA-listed animal, initial notification must be made within one business day to our law enforcement officer and our Ecological Services staff at telephone (801) 975-3330, and the Southeastern Regional office of the Utah Division of Wildlife Resources (UDWR) at telephone (435)-613-3700. Pertinent information including the date, time, and location shall be recorded and provided to us. This reporting requirement will allow our field office or the UDWR to collect and process dead individual if necessary to determine cause of death. Instructions for proper handling and disposition of such specimens will be issued by our Division of Law Enforcement consistent with the provisions of the Incidental Take Statement.

Re-initiation Notice

This concludes formal consultation on the proposed NRCS Emergency Watershed Protection Program St. George Detention Basins Project. As provided in 50 CFR section 402.16, reinitiation of formal consultation "…is required and shall be requested by the Federal agency or the USFWS, where discretionary Federal involvement or control over the action has been retained or is authorized by law" and:

1. If the amount or extent of taking specified in the Incidental Take Statement is exceeded.

2. If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;

3. If the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in the biological opinion.

4. If a new species is listed or critical habitat designated that may be affected by the identified action.

To reinitiate section 7 consultation, NRCS should immediately notify our office by phone or email if any of the reinitiation clauses are triggered. Thank you for your coordination in preparing the biological assessment and your interest in conserving threatened and endangered species. If we can be of further assistance, please contact Josh Rasmussen at (435) 256-6315.

Sincerely,

Utah Field Office Supervisor

cc (electronic):
Derek Hamilton, Natural Resources Conservation Service

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Standard Operation and Maintenance Procedures for the St. George Emergency Watershed Protection Project Site 3 – Red Hills Detention Basin

City of St. George, Utah

Operated and Maintained By

The Public Works Department

St. George, Utah

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OPERATION AND MAINTENANCE PLAN

ST. GEORGE EMERGENCY WATERSHED PROTECTION PROJECT

SITE 3 – RED HILLS DETENTION BASIN

This plan defines responsibilities for operating, inspecting, and maintaining excavated and embankment ponds constructed as part of the St. George Emergency Watershed Protection Project (EWP) within the City of St. George, specifically the portion of work performed at Site 3 – Red Hills Detention Basin. These responsibilities shall remain in effect for two years beginning on the date the facilities were determined complete by NRCS. After the expiration of this Operation and Maintenance (O&M) Plan, the City of St. George may continue to be responsible for maintenance until the facilities are removed or modified to eliminate potential hazards.

Description of the Practice

The St. George Emergency Watershed Protection (EWP) Project includes work to repair and mitigate flood and erosion damage experienced during flooding within the City of St. George, Utah. The work has been divided into 4 separate sites and is generally described as follows:

- Site 1 – Virgin River Restoration - erosion bank protection along the Virgin River in Bloomington area of the City. Including the installation of a riprap launch trench and revetment sections along the north bank of the Virgin River for approximately 2,800-lf between Man-O-War Bridge and Interstate 15 (I-15). The work at this site will also include restoration with native plant species.

- Site 2 – Middleton Floodwall - a new floodwall near the Middleton area of the City.

- Site 3 – Red Hills Detention Basin - a new detention basin near the intersection of Hwy 18 and Red Hills Parkway (Red Hills Pond).

- Site 4 – Industrial Park Detention Basins – three new detention basins in the St. George Industrial Park. One located at the north edge of the city limit (Industrial Park North Pond) and two smaller ponds located near the St. George City Water and power equipment and maintenance yard (Industrial Park South Ponds).

This O&M Plan applies to the improvements to be completed as part of the work at Site 3 – Red Hills Detention Basin. The work at the other sites will be constructed under separate projects and bid schedules and O&M plans for those locations are provided separately.

Annual O&M Costs

The City of St. George is responsible for financing the operation and maintenance activities, which includes inspections, for the channel bank stabilization and erosion control facilities identified in this document. Funds for these activities will be obtained from tax revenues and allocated for this purpose by the City Council.

Operation

The City of St. George will be responsible for all operation and maintenance activities of the repairs and restorative measures associated with this EWP Project. The City of St. George will also assist in the coordination of all required operation and maintenance performed by any other agency.

Maintenance

It is the responsibility of the City of St. George to ensure that the following operation and maintenance items, as a minimum, are addressed annually, and following significant runoff events.

1. Ponds and outlet structures - The ponds and their associated outlet structures shall be inspected, including spillway, rock chute, and outlet piping and structures. Sediment and debris accumulated in the pond shall be removed as needed to maintain capacity. The embankment shall be checked for rodent holes and woody vegetation. If found, efforts shall take place to remove the vegetation and fill the rodent holes. Embankments shall also be inspected for cracks, impairments of slope protection, and subsidence. The pond outlet structure and associated debris screens and openings shall be inspected. Concrete shall be inspected for erosion and damage. Debris deposited at or upstream of the outlet structure shall be removed. Screens and trash racks shall also be inspected for damage.
2. Revegetation – Field personnel shall determine if any vegetation is dying or is dead and shall replace with new plantings.
3. Easements/Landrights – The terms and conditions of all easements and documented landrights to allow City personnel to access the construction site shall be checked for potential violations.

The following table presents a schedule and personnel duties for operation and maintenance of the flood and erosion control measures installed at the pond sites associated with the EWP Project.

OPERATING PERSONNEL SCHEDULED DUTIES

June and November

1. **Review Record Drawings (Attached)**
2. **Inspect Pond Outlet Structure, Pond, Bank Stabilization and Erosion Control System**

   Visually inspect condition of:

   a. Outlet structure (including debris screens and openings)
   b. Pond excavation or embankment
   c. Erosion control structures and materials
   d. Channel Conditions
   e. Site fencing (security, property, and tortoise fencing)

3. **Photographically document condition of the erosion control measures**

After Each Major Runoff Event

1. Check condition of outlet structure (including debris screens and openings), pond excavation or embankment, bank stabilization measures and inspect riprap. Clear any blockages or obstructions in spillways or outlet structure openings.
2. Check condition of erosion control structures and inspect riprap.
3. Check condition of pond storage area and remove sediment and as needed to clear outlet structure openings.
4. Record pertinent information in Operation and Maintenance Log.

Every 5 – 10 years

1. Excavate, remove, and dispose of accumulated sediment from around the outlet structure and restore pond bottom/channel to original elevation and grade.

Personnel

All personnel involved in conducting inspections and performing O&M activities shall be properly trained and equipped. NRCS may assist in training the City of St. George employees. The responsible official of the City of St. George is Jay Sandberg P.E., City Engineer. Daily operations of the system are delegated to the Public Works field crews. The roles of City personnel are summarized below.

City Engineer

- Ensures that maintenance and repairs are completed as needed to ensure safe operation.
- Directs field crew maintenance activities.
- Ensures the facility complies with applicable local, state, and federal law.
- Provides necessary coordination with adjacent property owners and municipalities.
- Notifies the NRCS in the event of damage to, or failure of, the EWP Project or parts thereof.

Public Works Field Personnel

- Operate and maintain the installed pond, outlet structure and erosion control measures according to approved Standard Operating and Maintenance Procedures.
- Clearly communicate the need for repairs to the City Engineer.
- Issue appropriate warning messages if the pond, outlet structure or erosion control measure failure is impending or has occurred.
- Maintain accurate operation and maintenance records.

Operation and Maintenance Log

The operation and maintenance log for the EWP Project shall be updated by the City field personnel after each site inspection visit. Field personnel shall record the following information in the log: date; time; visual site observations; maintenance work needed; maintenance work performed; and any other pertinent information regarding the channel bank stabilization, grade control structures and associated facilities. A photograph will be taken from about the same location annually and compared to previous photographs to track damage or degradation of the erosion control measures. The purpose of the maintenance log is to provide a chronological history of all regular and emergency occurrences at the project sites. This log is to be a bound document kept with field personnel. All entries in the log shall be made legibly with ink, dated, and signed. Neither erasures nor ink eradicators shall be used to make corrections. Errors shall be lightly crossed out so that the incorrect item can still be read.

Records

The City of St. George shall maintain the following records in a permanent file at the City office: a record of all significant operation and maintenance activities related to the erosion control measures at the EWP bank stabilization sites; the cost of performing the operation and maintenance activities; dates; as-built drawings; permits; operation and maintenance logs; and other related materials. Copies of all inspection reports shall be provided to NRCS. The City shall notify NRCS in a timely manner if any inspection finds that major repair work will be needed within the maintenance period.

Violations

If NRCS determines that the City of St. George has failed to comply with the provisions of this O&M Plan, the City agrees to reimburse the Federal government for the financial assistance provided for the installation of the channel bank stabilization and erosion control facilities. The Federal government shall also have the right to take any further action it deems necessary in accordance with the O&M Plan.

The City of St. George

By: Title:

This action was authorized at an official meeting of the Sponsor named immediately above on

Date: Location:
Attest: Title:

USDA, Natural Resources Conservation Service

By: Title:

Date:

APPENDIX A - RECORD DRAWINGS

(to be included after construction)

DEVELOPMENT PROTOCOLS FOR PROJECTS WITHIN THE RED CLIFFS DESERT RESERVE AND/OR INCIDENTAL TAKE AREAS

This revision to the protocols was recommended by the Habitat Conservation Advisory Committee and approved by the Washington County Commission August 1, 2006

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OVERVIEW

"Utility development protocols" were developed and adopted as a part of the Washington County Habitat Conservation Plan (HCP) to avoid take and minimize potential adverse impacts to the Mojave desert tortoise in the Red Cliffs Desert Reserve from utility and road right-of-way projects, such as the installation and maintenance of water, sewer, and electric lines and roadway maintenance, while still enabling utilities to be placed within the Reserve. The protocols also provide protection to desert tortoise habitat and other sensitive species. The Reserve will be considered an avoidance area for the location of new utilities. This means new utilities will be encouraged to co-locate along existing infrastructure when practical. The HCAC will review other new utilities routes to assure minimum habitat disturbance.

Since the Reserve is the central element in the County's effort to stabilize and recover local tortoise populations, proposals that are wholly or partially within the boundaries of the Reserve are carefully evaluated. Once a proposed project receives HCP and, if necessary, other appropriate approvals, then the project proponent works with the HCP Administration to implement these Protocols. Protocols vary depending upon whether the project is proceeding during the inactive or active tortoise season. The inactive season is from December 1 to February 14 each year; the active season is from February 15 to November 30. The Protocols are more accommodating to construction during the inactive season. Plan ahead.

While this document provides the information required to comply with the regulatory requirements for protection of desert tortoises in most project situations, there may be cases where more specific information is required. An agency contact list is provided at the end of this document for further assistance.

REVIEW PROCESSES FOR DEVELOPMENT/MAINTENANCE PROPOSALS IN TORTOISE HABITAT

1. Proposals for utility development/maintenance inside the boundaries of the Red Cliffs Desert Reserve: This process is described in the HCP Reserve **Utility Development Protocols** section.

2. Clearances for lands proposed to be graded or developed within an officially designated incidental take area (see maps, pages 16-23): This process is described in the **Incidental Take and Potential Habitat Area Review and Protocols** section.

3. Proposals for utility development/maintenance inside the Kayenta Development: see HCP Administration.

If desert tortoises are encountered on private property elsewhere in the County, contact the HCP Administration so that Washington County can remove them. If a proposed action will occur on private lands on the Beaver Dam Slope contact the U.S. Fish and Wildlife Service. If a proposed action will occur on land managed by the Bureau of Land Management (BLM), contact BLM.

Adherence to these protocols does not constitute consultation with the U.S. Fish and Wildlife Service, which is required if the project has a federal nexus.[1] Other required municipal, state or federal approval processes must be independently addressed with the appropriate authority.

Regardless of whether a proponent is seeking approval for a project within the Reserve or in an incidental take area, the first step is to contact the HCP Administration Office, 10 North 100 East in St. George, Utah, 84770 (telephone [435] 634-5759). This creates a good opportunity to preliminarily discuss a proposal with HCP staff and to ask initial questions about the applicable review process.

PENALTIES FOR FAILURE TO FOLLOW LEGALLY REQUIRED PROTOCOLS

Failure to comply with the requirements of the Endangered Species Act of 1973, the Habitat Conservation Plan, current Development Protocols, and conditions of project approvals are punishable offenses and may trigger federal and state law enforcement actions. Washington County is required per the HCP permit to notify law enforcement authorities of violations. Only through compliance with HCP processes does a project proponent receive the benefits and protections of the Incidental Take Permit. Unresolved issues from an entity's previous projects should be resolved prior to that entity proceeding with the construction phase of a new project.

HCP INCIDENTAL TAKE AND POTENTIAL HABITAT AREA REVIEW & PROTOCOLS

Incidental take and potential habitat areas (hereafter collectively "incidental take areas") are privately-owned areas of tortoise habitat where surface disturbance and development can legally proceed after coordination with the Washington County HCP Administration. Incidental take areas are shown on the maps beginning on page 16.

Review of Proposals in Incidental Take and Potential Habitat Areas. Clearance request forms are available at the HCP Administration Office, 10 N. 100 E. in St. George. The County conducts tortoise clearances two times a year, spring and fall, during official clearance windows which are March 15-May 15 and August 20-October 20 respectively. Clearances outside the preferred windows may be possible in exceptional circumstances. Projects within incidental

[1] A federal nexus is likely to exist if the project is in any part authorized (including any federal permits), funded or carried out by the federal government. Federal review can be triggered on private property when a project, such as a powerline or waterline, crosses both private and federally owned property under the policy of "interrelated-interdependent." The HCP process may, on occasion, proceed concurrently with the federal review; however, any approval granted by the HCP Administration, the Habitat Conservation Advisory Committee and the Washington County Commission is subject to final federal review and approval. In particular, if the proposal has a federal nexus, the project may be required to undergo consultation with the U.S. Fish and Wildlife Service. (If unsure, contact USFWS at (801) 975-3330)

take areas can proceed once appropriate measures to clear and remove tortoises have been taken, and a release form has been signed. The HCP Administration will work with the proponent to determine necessary protective measures. Once a property has been officially released by the County, the proponent is protected under the terms of the HCP. HCP Administration release does not substitute for other required municipal, state or federal approval processes.

INCIDENTAL TAKE AND POTENTIAL HABITAT AREA PROTOCOLS

ITP-1 Clearance request form is completed and turned into the HCP Administration Office.

ITP-2 HCP Administrator determines if a clearance is required. If a clearance is not required, HCP Administrator can issue a release. If clearance is required, it is scheduled appropriately. The County conducts a full clearance of the property at no cost to the land owner.

ITP-3 If the clearance request is for property immediately adjacent to the Red Cliffs Desert Reserve, a fencing/containment plan is required per city and county ordinances. This plan must be reviewed and approved by the HCP Administrator prior to surface disturbance. If the clearance request is for property which is not adjacent to the Reserve, the HCP Administrator will determine if fencing is necessary to protect tortoises from harm.

ITP 4 If the clearance request is for a utility easement crossing through undeveloped property in a take area, clearances will only be required within the boundaries of the utility easement. Measures such as barrier fencing, tortoise education or a biological monitor may be required to avoid harm to tortoises without requiring the land owner to meet all of the requirements for a full release of the property. The costs of these measures are borne by the project proponent. The determination of which measures apply is based on the actual risk of harm to tortoises in the specific project area (e.g., density, activity season, adjacency to the reserve). If the determination is made that there is a need for a biological monitor, UDWR will supply one at no additional cost to the proponent.

ITP-5 After the landowner has met all applicable requirements, the County shall issue a release for the property. The release will specify the deadline by which construction on the property must commence. Should construction fail to commence by this date, the cost of future clearances shall be the responsibility of the land owner. This deadline may be waived by the HCP Administrator if arrangements are made for fencing.

HCP RESERVE REVIEW & PROTOCOLS

Review of Proposals Inside the Boundaries of the Red Cliffs Desert Reserve. Proponents are required to bring preliminary proposals to the HCP Administrator for discussion prior to being placed on the Habitat Conservation Advisory Committee's (HCAC) Agenda. The HCP Administrator may refer the proposal back to the proponent for further clarification, to the Technical Committee(TC) for review, or to the HCAC for discussion, based upon consultation with the project proponent. At the project proponent's request, the item will be placed on the HCAC Agenda. Proposals are reviewed by the HCAC once a month at their regularly scheduled meeting. The TC meets monthly. When the TC completes its review, it submits a report to the HCAC for consideration. The TC report includes findings on the proposal's potential impacts to tortoises, tortoise habitat, and the viability of the tortoise population within the Reserve, and may include recommended measures to offset these impacts. The HCAC considers the TC report, relevant input from the HCP goals and objectives, and relevant HCP guidelines. HCAC review may extend over several months. The HCAC's recommended motion is forwarded to the Washington County Commission for consideration and approval.

Once a proposed project receives HCP and, if necessary, local and federal approvals, then the project proponent works with the HCP Biologist to follow protocols outlined in this document.

To achieve the objectives of the HCP, some flexibility in the application of these protocols may at times be appropriate. Therefore, deviations from these protocols may be allowed if jointly approved by the U.S. Fish and Wildlife Service, the HCP Administration, UDWR and the project proponent. Of primary concern in approving a deviation from the Protocols, the deviation must not result in additional impact to tortoises or tortoise habitat.

Activity Seasons. There are two annual activity seasons; an inactive and active season. Tortoise activity is greatly reduced during the inactive season when tortoises have retreated to winter dens. The inactive season is from December 1 to February 14. **All construction and maintenance activities are encouraged to be scheduled during this period when potential harm to tortoises is minimized,** and therefore, several requirements may be relaxed (e.g., temporary tortoise fencing, on-site biological monitor). The active season is from February 15 to November 30. Additional precautions must be taken during the active season as outlined in the protocols to reduce the risk of animals being harmed by construction and maintenance activities.

Who Can Legally Handle Tortoises? Only individuals with the appropriate USFWS and UDWR tortoise handling permits can legally handle desert tortoises. This includes qualified private, state, and federal biologists, and the HCP Administrator and staff.

PRECONSTRUCTION PROTOCOLS

These protocols apply to the site preparation and construction phases of ALL approved projects, regardless of activity season:

PC-1 A contact person from the project proponent shall act as the contact representative to the HCP Administrator. He/she will be responsible for overseeing compliance with these protective protocols.

PC-2 Following County approval but prior to any construction activity within the Reserve, the contact person will meet with the HCP Biologist (or his/her authorized alternate) to review the plans for the project. The HCP Biologist, in consultation with the TC, will carefully review alignment, pole spacing, clearing limits, blasting plans, burrow locations, and other specific project plans and other information which have the potential to affect the desert tortoise. The HCP Biologist may recommend project modifications to further avoid or minimize potential impacts to Mojave desert tortoise, tortoise habitat, and other sensitive species and to better meet this protocol.

PC-3 A qualified biologist shall conduct preconstruction clearance surveys of all areas potentially disturbed by the proposed project. All winter dens, burrows, scat, tracks, live animals and animal remains discovered during the preconstruction survey shall be documented. The survey shall be submitted to the HCP Biologist as part of plan review.

PC-4 Site mitigation criteria shall be determined in the preconstruction phase, including but not limited to: barrier fences, winter den or burrow relocation, laydown/staging areas and restoration planning, and will be reviewed by the HCP Biologist in consultation with the TC prior to implementation.

PC-5 The project proponent will work with the HCP Administration to identify disturbance areas. The construction area shall be clearly fenced, marked, or flagged at the outer boundaries to define the limits of construction activities. The right-of-way shall normally not exceed 50 feet in width for standard pipeline corridors, access roads and transmission corridors, and should be minimized to the maximum extent practicable. Existing access roads should be used to the maximum extent possible. Rights-of-way for new access roads should normally be kept to 20 feet or less except for turn-around areas. Permanent disturbance from such roads should be kept to the minimum necessary to accommodate long-term maintenance. Other construction areas, including well sites, storage tank sites, substation sites, turnarounds, and laydown/staging sites which require larger areas, will be determined in the preconstruction phase. All construction workers shall be instructed that their activities shall be confined to locations within the fenced, flagged, or marked areas.

PC-6 A worker education program, conducted by Washington County, shall be implemented prior to the onset of each construction project. ***All construction employees shall be required to attend a tortoise education class and read an educational brochure prior to site entry.*** The class will describe the sensitive species which may be found in the area, the purpose of the Reserve, and the appropriate measures to take upon discovery of a sensitive species. It will also cover construction techniques to minimize potential adverse impacts. For each project, all project personnel shall sign an affidavit that they have read and understand the material presented in the brochure and class. Washington County will maintain all records of affidavits.

PC-7 All preconstruction activities which could take tortoises in any manner (e.g., surface disturbance, driving off an established road, clearing vegetation, etc.) shall occur under

the oversight of a qualified biologist after coordination with the HCP Biologist.

PC-8 If there are unresolvable conflicts between the HCP Biologist and the contact person, the matter will be arbitrated by the HCAC and, if necessary, by the County Commission.

Additional Active Season Preconstruction Protocols: The active season is from February 15 to November 30.

PCA-1 An on-site biological monitor may be required to be present during preconstruction activities that involve surface disturbance, or that may otherwise endanger tortoises, to ensure compliance with protocols.

PCA-2 The construction area shall be temporarily fenced using tortoise-proof fencing at the outer boundaries to define the limits of construction activities.

PCA-3 Work areas shall be inspected for desert tortoises within 24 hours of the onset of construction. To facilitate implementation of this condition, winter den or burrow inspection and excavation may begin no more than seven (7) days in advance of construction activities, as long as a final check for desert tortoises is conducted at the time of construction.

PCA-4 Any hazards to tortoises created by preconstruction activities shall be checked three times a day for desert tortoises. These hazards shall be eliminated each day prior to the work crew leaving the site, which may include installing a barrier that will preclude entry by tortoises.

GENERAL CONSTRUCTION PROTOCOLS

These protocols apply to the construction phases of ALL approved projects, regardless of activity season:

GC-1 A qualified biologist shall oversee construction activities to ensure compliance with the protective stipulations for the desert tortoise.

GC-2 If desert tortoises are found above ground inside the project area during the inactive season, they shall be moved out of harm's way as directed by a qualified biologist. The project proponent shall contact the HCP Biologist who will coordinate final disposition of the tortoise with UDWR and USFWS.

GC-3 No handling of tortoises will occur when the air temperature at 6 inches (15 centimeters) above ground exceeds 90° Fahrenheit (32° C).

GC-4 Desert tortoise winter dens and burrows shall be avoided to the maximum extent feasible. Tortoises are not to be removed from winter dens or burrows until appropriate action is determined by the HCP Biologist in coordination with USFWS and/or UDWR. The response shall be carried out as soon as feasible, not to exceed 72 hours. A qualified biologist shall excavate any winter dens or burrows which the HCP Biologist

has concluded cannot be avoided and will be disturbed by construction. Winter den or burrow excavation shall be conducted with the use of hand tools only.

GC-5 Winter dens and burrows outside the approved limits of clearing and surface disturbance shall not be excavated. Winter dens and burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the winter den or burrow and the construction area. Barrier fencing shall be installed to direct the tortoise leaving the burrow away from the construction area. Installation and removal of such barrier fencing shall be under the direction of a biological monitor.

GC-6 Blasting generally is not permissible within 100 feet of an occupied tortoise burrow.

GC-7 All trenches, pits, or other excavations shall be inspected for tortoises by a qualified biologist or a biological monitor prior to filling.

GC-8 Equipment maintenance and staging areas, and storage areas for pipes, wires, etc., will be located outside of reserve areas, unless the HCP Biologist determines that impacts will be reduced by using a previously disturbed location within habitat. All culverts and pipes located within desert tortoise habitat (except within a permanently fenced right-of-way) shall have both ends capped or otherwise be inaccessible to prevent entry by desert tortoises. All open ended culvert or pipeline segments that are welded in place shall be capped during periods of construction inactivity to prevent entry by desert tortoises.

GC-9 All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to ravens and other desert tortoise predators.

GC-10 Construction activities which occur between dusk and dawn shall be limited to areas which have already been cleared of desert tortoises by the qualified biologist and graded or located in fenced construction areas.

GC-11 The area shall be restored as determined during the preconstruction process, consistent with restoration/reclamation standards approved by the Washington County Commission. [Document in progress]

Additional Active Season General Construction Protocols: The active season is from February 15 to November 30.

GCA-1 An on-site biological monitor will be assigned to each group of construction equipment, operating in discrete (spatially disjunct) areas.

GCA-2 If a tortoise is found above ground within the project area during construction, it shall be moved out of harm's way by a qualified biologist and placed in a winter den, burrow or other sheltered location within 250 feet from where it was found. If a tortoise is found to be within a burrow or winter den within the construction area, refer to GC-4.

GCA-3 All open trenches, pits or other excavations shall be checked three times a day by the biological monitor for trapped desert tortoises. If a desert tortoise is found, the biological monitor shall notify a qualified biologist who will remove the animal as soon as possible.

GCA-4 Open trenches, pits or other excavations will be backfilled within 72 hours, whenever possible. A 3:1 slope shall be left at the end of every open trench to allow trapped desert tortoises to escape. Trenches not backfilled within 72 hours shall have a barrier installed around them to preclude entry by desert tortoises. All trenches, pits, or other excavations shall be inspected for tortoises by the biological monitor prior to filling.

ACTIVITY SPECIFIC PROTOCOLS

These protocols are activity specific, and must be followed in addition to the pre-construction and general construction protocols.

TRAIL CONSTRUCTION AND IMPROVEMENTS

TC-1 Access for trail maintenance beyond R-1, R-2, and R-3 roads shall be non-motorized.

TC-2 Construction and improvements of trails shall normally be accomplished with hand tools only.

TC-3 Removal of vegetation and rock shall be minimized to the fullest extent possible and is only allowable to make trails safe and passable for appropriate uses. Not all trails will be conducive to all permitted uses.

TC-4 Maintenance activities on trails shall be coordinated with the HCP Biologist to reduce potential impacts to tortoises. Trails shall generally be maintained in a primitive but passable condition.

WATER EXPLORATION AND CONSTRUCTION

W-1 All test pump water will be routed to the most appropriate wash or natural drainage to minimize impacts. Prior to pumping, the drainage area expected to be impacted will be surveyed by a qualified biologist or biological monitor. If tortoises are found in the drainage area and are determined to be in harm's way, a qualified biologist will move the tortoises to a sheltered location within 250 feet outside the wash.

W-2 Powerlines associated with water development, such as to provide power for pumps, should be buried underground within the access road right-of-way with a minimum separation allowed by applicable safety standards and a desired separation of five (5) feet from water pipes. All above ground structures deemed to be necessary shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds. To prevent bird electrocutions, all above ground structures shall be equipped with raptor-safe devices that comply with standards outlined in

"Suggested Practices for Raptor Protection on Power Lines: the State of the Art in 1996," or a more recent version, if or when one is developed. This document was written by the Avian Line Interaction Committee (APLIC).

ELECTRIC POWER LINE CONSTRUCTION

E- 1 Poles or other above ground structures necessary for electrical transmission or distribution shall be minimized as much as possible. All new or upgraded above ground structures shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds. To prevent bird electrocutions, all above ground structures shall be equipped with raptor-safe devices that comply with standards outlined in "Suggested Practices for Raptor Protection on Power Lines: the State of the Art in 1996" or a more recent version, if or when one is developed.

E- 2 All disturbance areas around poles or concrete pads will be reduced to a size just large enough for the construction activity.

MAINTENANCE PROTOCOLS

M-1 Access for maintenance (see Glossary) may occur only on R-1, R-2, and R-3 roads (see map, Appendix B, Page 23). Coordination with the HCP administration is required prior to travel off these roads.

M-2 In order to perform routine utility operation and maintenance tasks within the Reserve, employees shall receive desert tortoise education training. A training/refresher course will be provided annually and by arrangement for those personnel not previously trained. Washington County will provide the training at no cost; however, it will be the responsibility of the municipality or utility to schedule annual training. The training will include at a minimum the following: identification of tortoises, activity patterns, winter dens, burrows, and other sign; and instructions on installing and maintaining tortoise barrier fencing. Untrained employees and those who have not regularly attended refresher courses may not perform maintenance operations within the Reserve. During the course of operation and maintenance, desert tortoises encountered in the road or in the project area must be avoided. If necessary, workers should contact the HCP Biologist.

M-3 Maintenance that creates surface disturbance must be coordinated with the HCP Administration except when located within facilities or roadways where authorized barrier fencing has been installed and maintained. Maintenance that does not create surface disturbance and is in compliance with these protocols does not need to be coordinated.

ROAD MAINTENANCE AND IMPROVEMENTS

The following road maintenance and improvement protocols correspond to categories of roads

(R-1, R-2, R-3, R-4) described and mapped in Appendix B, page 23.

R-1 Maintenance and improvement work may be conducted without coordination with the HCP Administration on I-15, Highway 18, Tuacahn Road, Snow Canyon State Park Road and Red Hills Parkway (Skyline Drive) when and if permanent barrier fencing has been installed and maintained in accordance with HCP procedures.

R-2 Maintenance of Babylon, Cottonwood and Turkey Farm roads may be conducted without coordination with the HCP Administration if they create no surface disturbance outside of the existing traveled surface. Grading may be conducted on these roads during the inactive season without coordination with the HCP.

R-3 Maintenance of gated utility access roads may be conducted without coordination with the HCP Administration if they create no surface disturbance outside of the existing traveled surface. Grading or improvements to R-3 roads must be coordinated.

R-4 Maintenance for the limited purpose of allowing vehicle access during exigencies may be conducted after coordination with the HCP Administration.

EMERGENCY WORK (See Glossary)

Preliminary repair during emergency work is exempt from the stipulations outlined in these protocols. A contact representative from the entity performing the repair must contact the HCP Administration within 24 hours to minimize impacts and coordinate post-emergency response. Day and nighttime phone numbers are included in the Addresses and Contacts section. Long-term surface disturbing construction associated with the emergency work must follow the appropriate protocols.

DISPOSITION OF SICK, INJURED, OR DEAD SPECIMENS

Upon locating dead, injured, or sick desert tortoises during any utility or road project, initial notification by the contact representative or qualified biologist must be made to the USFWS or UDWR within three working days of its finding. Written notification must be made within five calendar days with the following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the qualified biologist. Should any treated tortoises survive, USFWS or UDWR should be contacted regarding the final disposition of the animals.

GLOSSARY

Barrier fence - A fence designed to protect the desert tortoise and its habitat from harm.

Biological monitor - A person serving in the capacity of biological monitor is responsible to assist a project proponent and/or contractor to avoid accidental or intentional take of tortoises or unauthorized take of tortoise habitat. The biological monitor has a specific training on the biology and habits of the desert tortoise. The individual need not have a degree, but previous experience in the field is generally required. This person's responsibility is to oversee construction activities for compliance with Utility Development Protocols. A qualified biological monitor is a person who would be reasonably expected to notice and identify tortoises and tortoise signs, including: dens/burrows/pallets; scat; tracks; egg shells; and probable tortoise nests. The person should be proficient at recognizing when there is a reasonable probability of tortoises in the area. This person should be observant and responsible. The person need not have state or federal handling permits, but must know who to contact to move any tortoises encountered. (Individuals must have appropriate federal and state permits to handle tortoises or tortoise eggs.)

Burrow - A cover site in soil that the desert tortoise excavates.

Coordination - Communication between the project proponent and the HCP Administration to ensure a proposed action is consistent with the requirements of the UDP and the HCP Incidental Take Permit.

Emergency work - A sudden, unexpected occurrence demanding immediate action or attention. Examples of emergency scenarios include downed power lines, structural fire, ruptured water lines, and flooded roadways.

Exigencies - Unanticipated events.

Habitat Conservation Advisory Committee (HCAC) - The HCAC is the committee charged with overseeing the administration of the HCP and serves in an advisory capacity to the County Commission. The committee includes representation from the Utah Department of Natural Resources (UDNR), BLM, USFWS, a conservation organization, local government, local development, and a citizen at large.

Habitat Conservation Plan (HCP) - The HCP is the guiding document that establishes the Red Cliffs Desert Reserve, outlines obligations to protect species and habitat, and identifies incidental take areas and outlines the incidental take process. The HCP was signed and went into effect in February 1996.

HCP Administration - Washington County employs the HCP Administrator, the HCP Biologist, and their staff to meet the obligations outlined in the HCP.

Maintenance - Any physical act of upkeep or repair of wear or damage whether from natural or

other causes. Examples include: inspecting and repairing power lines (e.g., damaged conductors and cross arms, insulators, rotten poles, and transformer repair); waterlines (e.g., valve and airvac replacement, and joint repair); water wells and tanks (e.g., maintaining well oil and gravel pack levels, replacing pump, motor, or bowls, replacing sand filter and other apparatuses, and pulling the column tube and shaft for camera purposes); substation equipment (e.g., inspection and replacement of fuses, insulators and switches, painting the structure, and fence repair).

Primitive Condition - The condition of having a natural surface with vegetation growing closely along the side of the road or trail. Surface may be rough and minimally improved to meet the need for which the access is designed. However, the access should be passable and generally safe, and should be designed to minimize long-term maintenance problems by reducing the risk of erosion (improvements may include culverts, cement dips, surface cap, etc., as required).

Qualified biologist - As a general rule, a qualified desert tortoise biologist is defined as a person with a bachelors degree or graduate degree in biology, ecology, wildlife biology, herpetology, or related fields. He/she must have demonstrated prior field experience using accepted resource agency techniques to survey for desert tortoises. Field experience may mean a minimum of 60 days field experience searching for tortoises and tortoise sign. The qualified biologist must have appropriate federal and state tortoise handling permits. In some circumstances, HCP Administration staff or local state or federal biologists may be available to serve this function. Contract qualified biologists must report to and coordinate with the HCP Biologist.

Red Cliffs Desert Reserve (Reserve) - An area of protected habitat set aside for the protection of desert tortoise and other species with the implementation of the Washington County Habitat Conservation Plan.

Red Cliffs Desert Reserve Restoration/Reclamation Standards - Available by contacting the HCP Administration at (435) 634-5759.

Sensitive Species - Wildlife species, whose populations have been greatly depleted, and/or are declining in numbers, distribution, and/or habitat.

Take - To harass, harm, pursue, hunt, shoot, would, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The term “harm” is further defined to include acts that may result in significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

Technical Committee (TC) - A committee established by the HCP to provide biological information on endangered, threatened, and candidate species to the HCP Administrator and the HCAC.

Winter den - A permanent structure that is inhabited by desert tortoise during hibernation. The winter den is either in solid rock or soil.

ADDRESSES AND CONTACTS

U.S. FISH AND WILDLIFE SERVICE
Utah Field Supervisor
U.S. Fish and Wildlife Service
2369 West Orton Circle
West Valley City, Utah 84119
PH: 801 975-3330
FX: 801-975-3331

BUREAU OF LAND MANAGEMENT
Bob Douglas, Biologist
St. George Field Office
345 E. Riverside Drive
St. George, UT 84790
PH: 435-688-3204

UTAH DIVISION OF WILDLIFE RESOURCES
Richard A. Fridell, Wildlife Biologist
Ann M. McLuckie, Wildlife Biologist
Utah Division of Wildlife Resources
344 East Sunland Drive, # 8
St. George, Utah 84790
PH: 435-688-1426
C: 435-680-1062
FX: 435-688-1427

WASHINGTON COUNTY
Bill Mader, HCP Administrator
PH: 435-634-5759 ext.3

Lori Rose, HCP Biologist
Washington County HCP Administration
197 East Tabernacle Street
St. George, Utah 84770
PH: 435-634-5759 ext.2
Home: 435-635-1024
C: 435-467-5759
FX: 435-634-5758

Justin Neighbor, HCP Field Assistant
C: 435-467-5766

Agenda Date: 11/03/2022 **Agenda Item Number:** 5e

Subject:

Consider approval of a Professional Services Agreement with Desert Edge Architecture for the design and construction management of the SunTran Maintenance and Administration Facility.

Item at-a-glance:

Staff Contact: Cameron Cutler

Applicant Name: N/A

Reference Number: N/A

Address/Location:

Brigham Road

Item History (background/project status/public process):

This project will be funded by a grant from UDOT. The facility will facilitate the office space, buses, maintenance, and overnight parking of buses used for the proposed Springdale route. The proposed contracted work by the architect is estimated at $195,600 as outlined in the PSA.

Staff Narrative (need/purpose):

The existing facility is at capacity and does not have necessary facilities for employees and maintenance of the new buses for the Zion Route and any additional expansion routes.

Name of Legal Dept approver: Ryan Dooley

Budget Impact: No Impact

Recommendation (Include any conditions):

Staff recommends approval.

Agenda Date: 11/03/2022 **Agenda Item Number:** 5f

Subject:

Consider approval of an Agreement for Purchase of Water Rights from the Dyer Family Trust.

Item at-a-glance:

Staff Contact: Scott Taylor

Applicant Name: City of St. George

Reference Number: N/A

Address/Location:

.

Item History (background/project status/public process):

At times, water rights within the City of St. George become available for purchase. The City generally is interested in purchasing these water rights for future development of a water source to expand capacity in existing water sources.

Staff Narrative (need/purpose):

The Dyer family has a water right available for purchase. The City has negotiated a purchase price of $750 per acre-ft for the total of 33.384 acre-ft. The purchase agreement is contingent upon the State Engineer approving a change application to change the point of diversion, nature of use, and place of use of the water right.

Name of Legal Dept approver: Jami Brackin

Budget Impact:

Cost for the agenda item: $25,038

Amount approved in current FY budget for item: $30,000

If not approved in current FY budget or exceeds the budgeted amount, please explain funding source:

N/A

Description of funding source:

User Rates

Recommendation (Include any conditions):

Staff recommends approval of the Water Rights Purchase Agreement

AGREEMENT FOR PURCHASE OF WATER RIGHTS

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the Dyer Family Trust, "Seller", and the City of St. George, a municipal corporation, "Buyer". Seller and Buyer are referred to herein collectively as the "Parties" or simply as a "Party" as the context permits or requires.

RECITALS

WHEREAS, Seller owns title to Water Right Nos. 81-1500 for the irrigation of 33.3840 acre-feet, the "Water Right". Seller agrees to sell 33.3840 acre-feet of water in Water Right No. 81-1500 to the Buyer.

WHEREAS, Buyer desires to purchase 33.3840 acre-feet of water in Water Right Nos. 81-1500 from the Seller.

WHEREAS, the Parties desire to set forth the terms and conditions upon which Seller shall sell to Buyer and Buyer shall purchase from Seller 33.3840 acre-feet of water in Water Right No. 81-1500.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants and undertakings expressed herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and based upon the representations stated above, the Parties agree as follows:

1. The recitals as set forth above are hereby incorporated by this reference and made a part of this Agreement.

2. This transaction contemplates the sale and purchase of 33.3840 acre-feet. The Purchase Price for the Water Right is Twenty Five Thousand Thirty Eight ($25,038) based upon a unit price of $750 per acre-foot of water.

3. The Closing of this transaction shall occur at a time and place to be determined by the Parties on a day no later than Forty Five (45) days after the Final Approval of the change application to be filed by Seller as more particularly set out in paragraph 5 below. For the purposes of this Agreement, "Final Approval" shall mean the Utah State Engineer's approval of the change application with diversion amount of 33.384 AF and a flow rate of not less than 0.23 cfs, and:

(a) no request for reconsideration nor request for judicial review of the State Engineer's approval being filed by any party, protestant or intervener within the applicable time period; or
(b) the entry of a final judgment by the district court, Utah Court of Appeals, or Utah Supreme Court, affirming the State Engineer's approval of the change

application (following an appeal of the state engineer's approval), and a Notice of Appeal not being filed within the applicable time period appealing the applicable court's judgment.

In the event Final Approval has not occurred within one year following the filing of the change application, the Agreement shall terminate, or, the Parties, by mutual written agreement, may extend the time in which Final Approval may occur.

At Closing, Seller shall convey the Water Right to Buyer by Quit Claim Deed, and Buyer shall tender the Purchase Price to Seller in currently available funds. Furthermore, on the Closing Date, Seller shall represent and warrant that title to the Water Right has not been assigned, encumbered, nor otherwise pledged for any purpose. This warrant, to the extent not consistent with the terms of paragraph 12 below, shall survive the delivery of the deed from Seller to Buyer and shall not be merged as a result of the Closing of the transaction and delivery of the deed contemplated by this Agreement.

In the event the state engineer approves the change application for a diversion less than 33.3840 AF, then, so long as the Seller retains the difference, the Purchase Price shall be revised. The new Purchase Price shall be the diversion amount approved in the change application multiplied by $750 per acre-foot of water.

4. On the Closing Date (which shall be set by the Parties), Seller shall convey the Water Right to Buyer by Quit Claim Deed, and Buyer shall tender the Purchase Price to Seller in currently available funds. Furthermore, on the Closing Date, Seller shall represent and warrant that Seller has not assigned, encumbered, nor otherwise pledged the water right being sold for any purpose. These representations and warranties shall survive the delivery of the deed from the Seller to Buyer and shall not be abrogated by the closing of the transaction contemplate by this Agreement.

5. The Parties acknowledge that in order for Buyer to utilize that portion of the Water Right being purchased hereunder for Buyer's purposes, a change application is necessary to change the point of diversion, nature, and place of use of the water right being purchased. This change in point of diversion, nature, and place of use requires the filing of a change application with the Division of Water Rights.

Within thirty (30) days after the execution of this Agreement by the Parties, Seller agrees to cooperate with Buyer in the preparation and filing of a change application. The change application shall be filed in the name of the Seller for the benefit of Buyer, be prepared at Buyer's expense, and Buyer shall be responsible for the costs and expenses association with preparation, filing and prosecution of the change application through the administrative process. Seller agrees to fully cooperate with Buyer in the preparation of all documents and Reports of Water Right Conveyance to update ownership of the Water Right in Buyer and filing of the change application by: (1) identifying acreage to be retired as a result of the change; (2) consulting with Buyer in preparing a plan to prevent enlargement of water use as a result of the change application; (3) documenting continuous use of the water, and (4) in good faith supporting the change application and complying with any other reasonable actions regarding the

change application requested by Buyer. Seller shall not take any actions that would hinder or be detrimental to approval of the change application.

6. Upon occurrence of a breach of this Agreement, the Party in breach agrees to pay all damages, costs, and expenses, excluding attorney's fees, incurred by the nondefaulting Party in recovering such damage or enforcing or exercising any remedies under this Agreement or any other rights and remedies. Upon the occurrence of a breach, Seller or Buyer, as the case may be, shall notify the other Party in writing of the occurrence.

7. This Agreement and all other agreements, documents, obligations, and transactions contemplated by this Agreement are made for the sole and exclusive benefit of the Parties and are not intended to benefit any third party. No third party may claim any right or benefit or seek to enforce any term or provision of this Agreement, or any other agreements, document, obligation, or transaction contemplated by the Agreement.

8. This Agreement, the other agreements, documents, obligations, and transactions contemplated by this Agreement constitute the entire agreement between the Parties, and may not be altered or amended except by written agreement signed by each party to be bound.

9. This Agreement shall be governed and construed under the laws of the State of Utah.

10. With respect to this Agreement and all agreements, documents, obligations, and transactions contemplated by this Agreement, any provision hereof or thereof which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction only, be ineffective only to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof or thereof. Any such prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable any such provision in any other jurisdiction.

11. All references in this Agreement to the singular shall be deemed to include the plural if the context requires, and vice versa. References in the collective or conjunctive shall also include the disjunctive unless the context clearly requires a different interpretation.

12. All agreements, representations, and covenants made herein shall survive the execution and delivery of this Agreement and shall continue in effect so long as any obligation contemplated by this Agreement is outstanding, or unpaid, notwithstanding any termination of this Agreement. All agreements, representations, warranties, and covenants in this Agreement shall bind the party making the same, and any successors, and all rights and remedies in this Agreement shall inure to the benefit of and be enforceable by each party for whom made, and their respective successors.

13. This Agreement may be executed in any number of counterparts, each of which shall be an original but all of which shall constitute one and the same instrument. A facsimile transmission of an original signature may constitute such counterpart.

14. Each person and entity executing this Agreement represents and warrants that such person or entity has been duly authorized to execute and deliver this Agreement in the capacity

and for the person or entity set forth where such individual signed.

WITNESS THE HANDS of the Parties, the day and year first written above.

SELLER

Gary G. Dyer

Gary G. Dyer

Dyer Family Trust
3814 Palo Drive
Bonita, CA 92002

Acknowledgment

State of Arizona)
)
County of Maricopa)

On this 7th day of Oct., 2022, before me personally appeared Gary G. Dyer, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and who acknowledge that he/she signed the above/attached document.

Notary Public

KATHERINE M WILLEY
Notary Public - Arizona
Maricopa County
Commission # 627970
My Commission Expires June 07, 2026

BUYER

Michele Randall, Mayor
City of St. George

Attest: _____
Christina Fernandez, City Recorder

Approved as to Form:

_____
Jami Brackin, Deputy City Attorney

Agenda Date: 11/03/2022 **Agenda Item Number:** 5g

Subject:

Consider approval of a Real Property Purchase Agreement with Wells Fargo.

Item at-a-glance:

Staff Contact: Jami Brackin

Applicant Name: City of St. George

Reference Number: N/A

Address/Location:

N/A

Item History (background/project status/public process):

The City has a need to purchase land on which to site a new city hall to meet the needs of the city and to allow expansion for the Police Department into the current city hall. This agreement is to purchase approximately 2.5 acres on Main Street just south of the Wells Fargo bank building.

Staff Narrative (need/purpose):

The City has a need to purchase land on which to site a new city hall to meet the needs of the city and to allow expansion for the Police Department into the current city hall. This agreement is to purchase approximately 2.5 acres on Main Street just south of the Wells Fargo bank building.

Name of Legal Dept approver: Jami Brackin

Budget Impact:

Cost for the agenda item: approximately $2.7 million

Amount approved in current FY budget for item: n/a

If not approved in current FY budget or exceeds the budgeted amount, please explain
funding source:

n/a

Description of funding source:

n/a

Recommendation (Include any conditions):

Recommend approval of agreement, allowing the Legal Dept to make final adjustments prior to signature.

AGREEMENT OF SALE

St. George, UT – 1 S. Main St. (BE #104204)

KEY PROVISIONS SUMMARY

Effective Date:	The date this Agreement is executed by the last to sign of Buyer and Seller as shown on the signature page attached hereto	
Seller:	Wells Fargo Bank, N.A.	
Buyer:	City of St. George, a Utah municipal corporation	
Property:	That certain real property containing approximately 2.56 acres located at 1 S. Main St., St. George, UT (all of Washington County tax parcel numbers SG-236-A-1 (1.06 acres) and SG-242 (0.19 acres), and a portion of SG-237 (1.89 acres)) as more particularly described by a legal description from a deed/title policy attached hereto as Exhibit A and as depicted on the site plan or survey attached hereto as Exhibit B, together with all appurtenances, rights, privileges, and easements benefiting, belonging, or pertaining thereto as well as any improvements and fixtures located thereon (except as otherwise provided in Section 10 below)	
Escrow Agent:	Jeff Barnes First American Title 50 E 100 S, Suite 100 St. George, UT 84770 (435) 673-5491 jtbarnes@firstam.com (Section 3)	
Earnest Money:	$10,000 (Section 3)	
Purchase Price:	$2,729,414 (Section 4)	
Acceptance Date:	Thirty (30) days after the First Party Signature Date (Section 20) *NOTE: Agreement is void if signed/dated after the Acceptance Date per Section 20.*	
Title Period:	Thirty (30) days after the Effective Date (Section 7.1)	
Inspection Period:	Thirty (30) days after the Effective Date (Section 7.2)	
Closing Date:	Not later than thirty (30) days after expiration of the Inspection Period (Section 11.1)	
Financial Services/ Signage Restrictions:	So long as Seller or its successors/assigns owns the remaining building parcel adjacent to the Property, plus two (2) years beyond the date of any sale of said parcel (Section 6.3)	
Broker:	None (Section 17)	
Notices: (Section 16)	Seller:	Buyer:
	Wells Fargo CPG Attn: Property Admin (BE #104204) MAC D1116-L10 1525 West W.T. Harris Blvd. Charlotte, NC 28262 E: PropertyAdmin@WellsFargo.com	City of St. George Attn: City Manager 175 East 200 North St. George, Utah 84770 E: _____ With a copy to: St. George City Attorney Attn: Jami R. Brackin 175 East 200 North St. George, Utah 84770 E: jami.brackin@sgcity.org
Exhibits:	Exhibit A – Legal Description of Property Exhibit B – Site Plan or Survey of Property Exhibit C – Buyer's Scope of Work	

AGREEMENT OF SALE

THIS AGREEMENT OF SALE ("**Agreement**") is entered into as of the Effective Date by Seller and Buyer.

The parties agree as follows:

1. Key Provisions Summary; Enumeration of Exhibits. References in the body of this Agreement to a portion of the Key Provisions Summary (e.g., the defined terms in the left-hand column of the Key Provisions Summary) shall be deemed and construed to incorporate all the terms provided under each such referenced portion of the Key Provisions Summary. References in the Key Provisions Summary to a portion of the body of this Agreement (e.g., Section references in the right-hand column of the Key Provisions Summary) shall be deemed and construed to incorporate all the terms provided under each such referenced portion of the body of this Agreement. Notwithstanding anything set forth above, if there is any inconsistency between the Key Provisions Summary and another portion of this Agreement, the terms of the Key Provisions Summary shall control. The Exhibits enumerated in the Key Provisions Summary and attached to this Agreement are incorporated in this Agreement by reference and are to be construed as a part of this Agreement. Each party shall perform any obligations on its part as set forth in any and all such Exhibits. **Except where otherwise expressly provided for in this Agreement, any consent or approval required under this Agreement shall not be unreasonably withheld, delayed, or conditioned.**

2. Agreement of Sale and Purchase. Subject to the terms and conditions of this Agreement, Seller shall sell to Buyer, and Buyer shall purchase from Seller, the Property.

3. Earnest Money.

3.1. On or before 5:00 p.m. on the Effective Date, Buyer shall deposit with the Escrow Agent (as set forth in the Key Provisions Summary) the Earnest Money (as set forth in the Key Provisions Summary). All sums paid by Buyer to Escrow Agent hereunder are included as part of the Earnest Money. Escrow Agent shall deposit the Earnest Money in a non-interest bearing account and shall hold, refund, disburse, and/or distribute, as the case may be, the Earnest Money in accordance with the terms hereof.

3.2. Upon request from Escrow Agent, Seller and Buyer shall enter into such escrow agreement as Escrow Agent may reasonably request and shall jointly and severally hold Escrow Agent harmless with respect to the performance of its duties as Escrow Agent, except to the extent caused by the gross negligence or willful or wanton misconduct of Escrow Agent.

3.3. Escrow Agent Terms.

3.3.1. In the event of a default by Buyer under the terms of this Agreement leading to termination of this Agreement by Seller as provided in Section 12.1 below, or the termination of this Agreement by Seller in accordance with its terms, Escrow Agent is instructed to deliver the Earnest Money to Seller. In the event of a default by Seller under the terms of this Agreement as provided in Section 12.2 below, or the termination of this Agreement by Buyer in accordance with its terms, Escrow Agent is instructed to deliver the Earnest Money to Buyer. If the sale of the Property is closed, Escrow Agent is instructed to deliver the Earnest Money to Seller to be treated as a credit against the Purchase Price at Closing.

3.3.2. The duties of the Escrow Agent are only as herein specifically provided and purely ministerial in nature and the Escrow Agent incurs no liability whatever except for gross negligence or willful or wanton misconduct. Seller and Buyer each release the Escrow Agent from any act done

or omitted to be done by the Escrow Agent in good faith in the performance of its duties hereunder. If Escrow Agent is also attorney for a party hereto, service by the Escrow Agent as Escrow Agent does not disqualify it from representing such party in connection with the transactions provided for in this Agreement.

3.3.3. Any request for disbursement of the Earnest Money must be signed by Buyer and Seller; provided, however, that: (1) if either party terminates this Agreement in accordance with its terms, the non-terminating party's joinder in a request for disbursement of the Earnest Money to the terminating party pursuant to such termination is not required and (2) if either party makes a written request for disbursement to Escrow Agent, with a copy to the other party, and the other party fails to object in writing within ten (10) business days, Escrow Agent is authorized to disburse the Earnest Money to the requesting party. In addition, Escrow Agent is authorized to disburse the Earnest Money in accordance with a court order.

3.3.4. In connection with this escrow, Buyer and Seller shall execute such additional agreements as Escrow Agent may reasonably request. If, at any time, there exists any dispute or contradiction among the parties hereto with respect to the holding or disposition of the Earnest Money or funds for Closing, or if at any time Escrow Agent is unable to determine to Escrow Agent's sole satisfaction the proper disposition of the Earnest Money or funds for Closing, or Escrow Agent's proper actions with respect to its obligations hereunder, then Escrow Agent may, in its sole discretion, resign as Escrow Agent hereunder by delivery of written notice to all parties hereto, and upon such resignation, Escrow Agent shall pay the Earnest Money or funds for Closing and all interest, if any, earned thereon to (i) any court of competent jurisdiction for holding and disposition in accordance with the instructions of such court, or (ii) any successor escrow agent designated mutually among the parties hereto for holding and disposition in accordance herewith or any successor escrow agreement. Upon such resignation, Escrow Agent has no further obligations under this Agreement. Escrow Agent has no liability to any party hereto or any other person with respect to any such suspension of performance or disbursement into court or successor escrow agent, specifically including any liability or claimed liability that may arise, or be alleged to have arisen, out of or as a result of any delay in the disbursement of the Earnest Money or funds for Closing, or any delay in or with respect to any other action required or requested of Escrow Agent. Buyer and Seller, jointly and severally, shall reimburse Escrow Agent for all costs and expenses of any legal action or proceeding in connection with the Earnest Money, funds for Closing, or Escrow Agent's obligations hereunder, including reasonable attorneys' fees and disbursements actually incurred, and shall indemnify, defend, and hold harmless Escrow Agent from any and all claims, actions, liabilities, judgments, and costs (including reasonable attorneys' fees actually incurred) incurred in connection with the escrow of the Earnest Money or funds for Closing. Escrow Agent is not liable for any loss of the Earnest Money or funds for Closing by (or as a result of failure of) the bank in which such funds are deposited. Escrow Agent may rely upon any instrument, not only as to its due execution, validity, and effectiveness, but also as to the truth and accuracy of any information contained therein, which appears to have been signed or presented by the person or party purporting to sign the same. Escrow Agent is not liable for incidental, indirect, special, consequential, or punitive damages.

4. Purchase Price.

The Purchase Price for the Property (as adjusted by the terms of this Agreement) represents the real property price of $2,540,000 and the cost to purchase ($32,275) and install ($147,748) a new drive-through ATM and Deinstall existing ATM ($9,391). The Purchase Price is payable as follows: (i) Escrow Agent will deliver the Earnest Money to Seller at Closing (as defined in Section 11) and (ii) Buyer shall pay the balance of the Purchase Price to Seller (or Escrow Agent) at Closing by wired funds. Seller shall provide wire instructions to the applicable closing attorney or title company at least five business days prior to Closing. The Purchase Price will not be adjusted if the number of acres contained in the boundaries of the

Property or the square footage of any improvements at the Property is later shown to be more or less than the number of acres or square footage as set forth in the Key Provisions Summary.

5. Costs and Pro-Rations at Closing.

5.1. Transfer Taxes, Recording Fees and Other Fees. Seller shall pay any applicable grantor transfer taxes, the cost to prepare the deed from Seller, and the cost of recording all documents necessary to correct or remove defects in or encumbrances upon Seller's title to the Property (if applicable). Buyer shall pay any applicable grantee transfer taxes, the cost of any title examination fees or other due diligence costs (including but not limited to any survey obtained by Buyer), the cost of any title insurance or survey obtained by Buyer, the cost of preparing and/or recording all documents to be recorded other than those referred to in the preceding sentence, and any other costs related to the Closing. Each party shall pay its own attorney's fees.

5.2. Taxes. Ad valorem taxes and assessments ("**Taxes**") assessed against the Property for the year in which Closing occurs will be pro-rated on a calendar year or fiscal year basis, as applicable, as of the day of Closing. If the Property is in the tax records as a separate parcel on the date of Closing, the Taxes will be pro-rated on the basis of time and applied in adjustment of the Purchase Price due at Closing. If the Property is part of a larger parcel during the calendar year or tax year of the Closing, the Taxes will be pro-rated on the basis of acreage (and improvements on such acreage, if any) as well as time, and Buyer shall pay to Seller Buyer's resulting share of the Taxes at Closing and Seller shall pay the Taxes due and payable for the year of Closing on the entire larger parcel of which the Property is a part when the same become due, and Buyer shall, as soon as is practicable, cause the Property to be reflected as a separate parcel in the tax records. To effect said separate parcel, Seller agrees to execute at closing (at no cost to Seller) all documents necessary to effect a subdivision of land if requested by Buyer. If tax bills/notices/ assessments have not yet been issued for the current calendar or fiscal year as of Closing, such taxes shall be pro-rated at Closing based upon the most recent tax bill/notice/assessment available as of the Closing Date, which shall be deemed conclusive between Seller and Buyer for all purposes.

5.3. Utilities. If any utility services are presently being provided to the Property, Seller will pay for such services through the day of Closing, but thereafter any such services in the name of Seller will be terminated.

6. Conveyance of Title.

6.1. Deed. Seller shall convey title to the Property to Buyer by special (or limited) warranty deed, subject to Taxes for the year of Closing which will be pro-rated between the parties at Closing as provided in Section 5.2 above and subject to matters of survey, easements, encumbrances, restrictions, and any other matters of record, other than defects and encumbrances to be removed, corrected and/or satisfied in accordance with Section 7 below. Seller shall not cause or permit any other defects in or liens, encumbrances, or limitations upon Seller's title to the Property to arise from and after the Effective Date; provided, however, that Seller has no obligation to remove "Fieri Facias" which are not specific to the Property and/or for which Seller is but a garnishee.

6.2. Legal Description. Seller shall convey the Property by a special (or limited) warranty deed using the legal description of the Property attached hereto as Exhibit A. If requested by Buyer, and at Buyer's expense, Seller also shall convey the Property by a quit-claim (non-warranty) deed using the legal description taken from a current and accurate survey of the Property obtained by Buyer at Buyer's expense from a registered land surveyor.

6.3. Deed Restriction. The Property will be conveyed by Seller and accepted by Buyer subject to the following use restriction, which will be set forth in the deed or deeds from Seller:

> "**Affiliated Entity**" means any entity that controls, is controlled by, or is under common control with Grantor, including successors by merger, acquisition, or otherwise. "**Financial Services Business**" means a state or national bank; a savings bank; a credit union; a savings and loan institution; a finance company; an industrial bank; a mortgage company; a securities broker or dealer; a trust company; an investment advisor; a wealth manager; and any other business in the financial services industry that accepts deposits; originates loans; cashes checks; provides automated teller machine services; offers trust services; sells stocks, bonds, or mutual funds; provides investment advice; or offers wealth management services. No entity or person other than Grantor or an Affiliated Entity may conduct a Financial Services Business from the Property (the "**Financial Use Restriction**"). In addition, Grantee shall not permit, allow, or install at the Property any type of signage, whether pylon, monument, plaque, or otherwise, and whether or not interior or exterior, that includes the name or logo of any Financial Services Business other than Grantor (the "**Signage Restriction**"). The Financial Use Restriction and the Signage Restriction are binding upon Grantee and Grantee's successors and assigns; are deemed to be covenants that touch and concern the land and run with the land; are for the benefit of Grantor and its successors and assigns and its properties located within the same county and state in which the property is located (as well as the counties adjacent thereto); and shall continue for so long as Grantor or its successors and assigns own the remaining building parcel adjacent to the Property, plus two (2) years beyond the date of any sale by Grantor or its successors and assigns of said parcel. Grantee acknowledges that a breach of the Financial Use Restriction or the Signage Restriction will cause irreparable damage to Grantor, the exact amount of which will be difficult or impossible to ascertain, and that remedies at law for such breach will be inadequate. Therefore, if Grantee breaches the Financial Use Restriction or the Signage Restriction, then in addition to any other remedy that might be available at law or in equity, (i) Grantor shall be entitled to specific performance and injunctive relief without the necessity of proving that actual damages are not an adequate remedy and (ii) Grantee shall not raise the defense that there is an adequate remedy at law.

7. Inspection Period.

7.1. Inspection of Seller's Title. Buyer may during the Title Period examine Seller's title to the Property and notify Seller of any defects in or encumbrances upon Seller's title to the Property (the "**Objections**"). Seller may, but is not obligated to, remove, correct, and/or satisfy any Objections. If Buyer fails to notify Seller of any Objections prior to 5:00 p.m. on the last day of the Title Period (the "**Title Notice Deadline**"), then Buyer is deemed to have waived any Objections and to have accepted Seller's title to the Property. If Buyer notifies Seller of any Objections prior to the Title Notice Deadline ("**Buyer's Objections Notice**"), Seller shall notify Buyer within ten (10) business days after receipt of Buyer's Objections Notice ("**Seller's Response Period**") whether or not Seller will seek to remove, correct, and/or satisfy the Objections ("**Seller's Objections Response**"). If Seller fails to notify Buyer of Seller's Objections Response within Seller's Response Period, then Seller is deemed to have elected not to seek to remove, correct, and/or satisfy any Objections. If Seller's Objections Response indicates that Seller will not seek to

remove, correct, and/or satisfy all Objections set forth in Buyer's Objections Notice, or if Seller fails to notify Buyer of Seller's Objections within Seller's Response Period, then Buyer may either (i) waive the Objections set forth in Buyer's Objections Notice and proceed with Closing or (ii) terminate this Agreement by giving written notice thereof to Seller not later than five (5) business days after the later of (A) Buyer's receipt of Seller's Objections Response if Seller sent a Seller's Objections Response or (B) Seller's Response Period if Seller failed to notify Buyer of Seller's Objections Response within Seller's Response Period. If Buyer fails to so terminate this Agreement, Buyer is deemed to have waived all Objections and to have accepted Seller's title to the Property. If there remain at Closing any Objections that Buyer included in Buyer's Objections Notice for which Seller affirmatively agreed to seek to remove, correct, and/or satisfy in Seller's Objections Response, then Buyer may elect to: (1) consummate the transaction contemplated hereby without regard to such Objections (in which event, the Purchase Price shall not be adjusted because of such Objections) or (2) terminate this Agreement at Closing (in which case the Earnest Money shall be refunded promptly to Buyer).

7.2. Inspection of the Property. Buyer may during the Inspection Period determine whether the Property is suitable for Buyer's intended development and/or use thereof. Subject to the limitations set forth in this Section and the requirements set forth in Section 7.3 below, Buyer, its agents, employees, and contractors, may access the Property for the purpose of making inspections, surveys, soil and drainage tests, and generally collecting information deemed necessary by Buyer to make its determination as to the suitability of the Property for Buyer's intended development and/or use, all at Buyer's sole cost and expense. Within five (5) business days after the Effective Date, Seller shall deliver copies of the following documents to Buyer (but only if such documents exist, are currently in Seller's possession and readily accessible, and relate to the Property): title insurance policy, survey, environmental reports, and building condition reports. If Buyer desires to enter upon the Property (or have a representative of or consultant for Buyer enter upon the Property), Buyer shall give Seller five (5) business days' prior notice of the time of such proposed entry and Seller (or its representative) is entitled to be present during such entry. Buyer shall furnish Seller a copy of any "Phase I" or other report concerning the Property obtained by Buyer during the course of its due diligence efforts. In addition, Buyer shall not conduct any invasive testing of the Property (e.g., a Phase II environmental assessment, geotechnical borings, etc.) without the prior written consent of Seller (which consent may be withheld in Seller's sole discretion without considering the interests of Buyer). In connection with any such request for consent, Buyer shall furnish to Seller a detailed description of the contemplated testing or sampling work, including a site map indicating the location of the proposed testing or sampling. The parties shall, prior to any invasive environmental/hazardous substance testing, enter into a separate access agreement governing such invasive testing. Buyer shall conduct such testing/sampling in such a way as to minimize interference with the business operations of Seller and other occupants, if any, at the Property. Buyer shall furnish to Seller copies of all invasive testing/sampling reports and shall keep such reports confidential unless disclosure is required by applicable law. Notwithstanding anything set forth in this Section to the contrary, if Seller is still open for business at the Property Buyer may not access the vault, safe deposit area, behind the teller counter, or any other secured area of the Property without the prior written consent of Seller and in the company of a Seller representative (which consent may be withheld in Seller's sole discretion without considering the interests of Buyer or any third-party). If Buyer delivers written notice to Seller on or before 5:00 p.m. on the last day of the Inspection Period (the "**Inspection Period Deadline**") that the Property is not suitable for Buyer's intended development and/or use thereof, then the Earnest Money will be returned promptly to Buyer and this Agreement is deemed terminated. If Buyer does not deliver such written notice prior to the Inspection Period Deadline, or if Buyer notifies Seller prior to the Inspection Period Deadline that the Property is suitable for Buyer's intended development and/or use, then this Agreement continues to be effective and binding upon the parties, the conditions set forth in this Section 7.2 are be deemed to have been satisfied, and the Earnest Money is non-refundable to Buyer (except in the event of Seller's default hereunder (but such Earnest Money shall be applied against the Purchase Price)).

7.3. **Insurance Requirements**. Prior to entering the Property, Buyer shall deliver to Seller a certificate of insurance from Buyer (and from any contractor of Buyer entering the Property) naming Seller as an additional insured and evidencing not less than the following insurance coverage: (i) Commercial General Liability insurance with limits of liability not less than $3,000,000 per occurrence; (ii) Commercial Auto Liability insurance with combined single limits of liability not less than $1,000,000; and (iii) Workers' Compensation insurance in accordance with applicable statutory requirements.

7.4. **Indemnity.** Buyer shall indemnify, hold harmless, pay, and reimburse Seller, its agents, employees, and contractors, from, for, and against any and all suits, actions, claims, costs, fees, sums, amounts, losses, causes of action, damages, liabilities, and expenses (including reasonable attorneys' fees, court costs, and alternative dispute resolution expenses) caused in whole or in part or arising directly or indirectly out of Buyer or its agents, employees, and contractors entering upon the Property prior to Closing. The indemnification obligations of Buyer survive the expiration or earlier termination of this Agreement.

8. **Intentionally Deleted.**

9. **Risk of Condemnation or Casualty Pending Closing.** All risk of loss to the Property remains upon Seller until the conclusion of the Closing. If, prior to Closing, either (a) condemnation or eminent domain proceedings are commenced by any public authority against the Property, or any part thereof; or (b) the Property, or any part thereof, is damaged materially by fire or other casualty, then, in either such event, Seller shall give Buyer prompt written notice thereof. After Buyer's receipt of such notice, Buyer may: (i) accept the Property and proceed to Closing subject to the proceedings or casualty (as applicable), whereupon any awards or insurance proceeds (as applicable) will be paid to Buyer, and Seller hereby assigns to Buyer all of Seller's right, title, and interest in and to any such awards or insurance proceeds (as applicable) or (ii) terminate this Agreement, whereupon the parties have no rights, duties, or obligations hereunder, except those specifically stated herein to survive termination of this Agreement. If Buyer does not make the foregoing election prior to the earlier of (A) five (5) business days after receipt of Seller's notice or (B) the Closing Date, then Buyer is deemed to have elected option (i) set forth above.

10. **Condition of Property.** Buyer has the right and has ample opportunity to fully inspect the Property and if Buyer proceeds with the Closing Buyer purchases the Property wholly in "**AS IS**", "**WHERE IS**" condition, with all faults, and without warranty or representation by Seller whatsoever, express, implied, or statutory, pertaining to the Property including the condition thereof or the suitability or fitness thereof for any particular use or purpose, the merchantability thereof or of any improvement thereon, the value or dimensions thereof, or any other matter with respect to the Property or the improvements thereon. Notwithstanding anything set forth herein to the contrary, to the extent Seller has not already done so, Seller may, prior to the Closing Date, remove from the Property all signs, signage structures, and signage panels; telephone equipment; security systems and equipment (including alarms and cameras); and all equipment and furnishings related to banking and financial services (including safe deposit boxes, automated teller machines, night deposit boxes, pneumatic tube systems, under counter steel, etc.). In addition, and notwithstanding anything set forth in this Agreement to the contrary, in no event shall any ATM (including any currency, checks, stamps, transaction records, or other contents located therein) or any proprietary or confidential items (e.g., signage, file cabinets, desks, disks, computers, hard drives, artwork, etc.) (collectively, "**Banking Equipment**") be transferred to Buyer at Closing and all such Banking Equipment shall remain the property of Seller. The Parties intend that the Banking Equipment remain on the Property after Closing until a replacement drive-through ATM can be constructed and pursuant to the terms of an access license which shall be executed at Closing. In the event Banking Equipment remains on the Property after the expiration of the license, Buyer shall notify Seller thereof and Seller shall have a period of not less than thirty (30) days after receipt of such notice to remove such Banking Equipment from the Property.

11. Closing.

11.1. Closing Date. The Closing (the "**Closing**") of the acquisition will occur, if at all, at the offices of Buyer's attorney or at another place mutually agreed upon by the parties hereto (e.g., at the offices of the Escrow Agent). The date of Closing is the Closing Date set forth in the Key Provisions Summary.

11.2. Possession. Unless otherwise agreed, Seller shall deliver possession of the Property at Closing.

11.3. Closing Documents. Seller shall execute and deliver at Closing Seller's deed, a customary owner's affidavit with respect to the Property, and an affidavit evidencing Seller's non-foreign status for federal tax purposes. It is intended that any and all access license agreements, subdivision plats, and other necessary documents to affect the intent of this Agreement shall also be executed at Closing. At or prior to Closing, each party shall deliver to the other party documents reasonably required by the other party to establish the authority of such party to enter into and close the transactions contemplated hereby and to complete and evidence the acquisition of the Property contemplated hereby, including, without limitation, a closing statement and such other documents as are reasonably necessary or appropriate to satisfy applicable federal requirements for the reporting of real estate transactions.

12. Breach, Termination, and Expiration.

12.1. Breach by Buyer. Notwithstanding anything to the contrary contained herein and notwithstanding that this Agreement may have been terminated pursuant to the terms hereof, if Buyer fails or refuses to close when required to do so, the Earnest Money will be promptly paid over to Seller as full liquidated damages for Buyer's failure or refusal to close in accordance with the terms of this Agreement. The parties acknowledge the difficulty of ascertaining Seller's damages in such a circumstance and agree that the amount of the Earnest Money represents a reasonable and mutual attempt by Buyer and Seller to anticipate the consequence to Seller of Buyer's breach. Upon the implementation of this Section 12.1, and except for obligations that survive the expiration or earlier termination of this Agreement, this Agreement is deemed terminated and neither party has any rights hereunder to specific performance or to damages other than liquidated damages as provided in this Section 12.1 for Buyer's failure or refusal to close.

12.2. Breach by Seller. Notwithstanding anything to the contrary contained herein, if Seller fails or refuses to close when required to do so, the Earnest Money, plus an amount equal to the amount of the Earnest Money (collectively, "**Seller's Default Payment**"), will be promptly paid to Buyer as full liquidated damages for Seller's failure or refusal to close in accordance with the terms of this Agreement. The parties acknowledge the difficulty of ascertaining Buyer's damages in such a circumstance and agree that the amount of Seller's Default Payment represents a reasonable and mutual attempt by Seller and Buyer to anticipate the consequence to Buyer of Seller's breach. Upon the implementation of this Section 12.2, and except for obligations that survive the expiration or earlier termination of this Agreement, this Agreement is deemed terminated and neither party has any rights hereunder to specific performance or to damages other than liquidated damages as provided in this Section 12.2 for Seller's failure or refusal to close.

12.3. Other Default. If Buyer breaches or fails to perform under this Agreement (other than the failure or refusal to close when required to do so, which is governed by Section 12.1 above), and such breach or failure is not cured within ten (10) days of Seller's delivery to Buyer of written notice of such breach or failure, then Seller shall be entitled to pursue all available remedies at law and in equity. If Seller breaches or fails to perform under this Agreement (other than the failure or refusal to close when required to do so, which is governed by Section 12.2 above), and such breach or failure is not cured within

ten (10) days of Buyer's delivery to Seller of written notice of such breach or failure, then Buyer shall be entitled to pursue all available remedies at law and in equity.

13. Cancellation of Record of Buyer's Rights. If this Agreement expires or is terminated prior to Closing, Buyer's rights and interests in and to the Property are deemed void; provided, however, that Buyer shall, upon request of Seller, execute and deliver to Seller a quit-claim deed releasing the Property from any right or interest of Buyer.

14. [Intentionally Omitted].

15. Assignment. Buyer shall not assign Buyer's rights under this Agreement without Seller's prior written consent, which may be withheld by Seller in its sole and absolute discretion (it being understood that Seller is entering into this transaction in part because of Buyer's and/or Buyer's principals' specific experience and creditworthiness). Buyer may, however, upon prior written notice to Seller, which notice must be received by Seller at least five (5) business days prior to Closing, assign this Agreement to an entity that controls, is controlled by, or is under common control with Buyer if the assignee expressly assumes all of Buyer's obligations hereunder. Such notice must contain the assignee's full legal name, social security number or TIN (as applicable), full address, and any other information reasonably requested by Seller. Buyer shall not be released from its obligations herein in the event of any such assignment.

16. Notices.

16.1. Written Notice; Delivery Methods. Each party giving or making any notice, request, demand, consent, approval, or other communication (each, a "**Notice**" (but sometimes "**notice**")) pursuant to this Agreement shall: (i) give the Notice in writing; (ii) cause the Notice to be signed by an authorized representative of the sending party (the sending party's attorney is authorized to sign and send a Notice on behalf of the sending party); and (iii) use one of the following methods of delivery, each of which for purposes of this Agreement is a writing: (a) personal delivery; (b) Certified Mail, return receipt requested, with postage paid; (c) nationally recognized overnight courier, with all fees paid; or (d) email (but only if a party's email address is included in its notice address in the Key Provisions Summary or is otherwise provided to the other party by a Notice).

16.2. Addresses. Each party giving a Notice shall address the Notice to the appropriate person at the receiving party (the "**Addressee**") at the address(es) listed in the Notice Addresses section of the Key Provisions Summary or to another Addressee or at another address as designated by a party in a Notice pursuant to this Section 16.

16.3. Effectiveness of a Notice. Except as provided elsewhere in this Agreement, a Notice is effective only if (i) the party giving the Notice has complied with the two subsections set forth above and (ii) the Notice is deemed to have been received by the Addressee. A Notice is deemed to have been received by the Addressee as follows: (a) if a Notice is delivered in person, sent by Certified Mail, or sent by nationally recognized overnight courier: on the earlier of the date of delivery or the date the Notice is available for pickup, all as evidenced by the records of the delivering person or entity; (b) if a Notice is sent by email: on the date the email Notice is sent to the Addressee's email address; and (c) if the Addressee rejects or otherwise refuses to accept the Notice (e.g., if the Addressee does not pick up the Notice timely), or if the Notice cannot be delivered because of a change in address for which no Notice was given: upon the rejection, refusal, or inability to deliver the Notice, which shall be deemed to be the date of rejection, refusal, inability to deliver, or availability for pickup, all as evidenced by the records of the delivering person or entity. If a Notice is sent by email, the party sending the Notice also must send, unless such requirement is waived in a return email from the receiving party, a confirmation copy of the Notice by one

of the other methods in the first subsection set forth above within three (3) business days after the send date of the email, but the lack of delivery of such other Notice does not negate the email Notice.

16.4. Delivery Time of Notice. Notwithstanding the foregoing, if any Notice is received after 5:00 p.m. on a Business Day where the Addressee is located, or on a day that is not a Business Day where the Addressee is located, then the Notice is deemed received at 9:00 a.m. on the next Business Day where the Addressee is located.

17. Broker. Each party represents to the other that it has had no dealings with any real estate broker, agent, or finder in connection with the negotiation of this Agreement and that it knows of no real estate broker or agent entitled to any commission or finder's fee in connection with this Agreement. Each party shall indemnify and hold harmless the other party from and against any and all claims, demands, losses, liabilities, lawsuits, judgments, costs, and expenses (including attorneys' fees and costs) with respect to any leasing commission, finder's fee, or equivalent compensation alleged to be owing on account of the indemnifying party's dealings with any real estate broker, agent, or finder. The provisions of this Section 17 survive Closing or the earlier termination of this Agreement.

18. Additional Terms.

18.1. Successors or Assigns. The terms, conditions, covenants, and agreements of this Agreement extend to and are binding upon Seller, Buyer, and their respective heirs, administrators, executors, legal representatives, and permitted successors and assigns, if any.

18.2. Severability. If any provision of this Agreement is held to be unenforceable, then that provision is to be construed either by modifying it to the minimum extent necessary to make it enforceable (if permitted by law) or disregarding it (if not). If an unenforceable provision is modified or disregarded in accordance with this Section 18.2, the rest of this Agreement is to remain in effect as written, and the unenforceable provision is to remain as written in any circumstances other than those in which the provision is held to be unenforceable.

18.3. Waiver. The parties may waive any provision of this Agreement only by a writing executed by the party or parties against whom the waiver is sought to be enforced. No failure or delay in exercising any right or remedy or in requiring the satisfaction of any condition under this Agreement, and no act, omission, or course of dealing between the parties, operates as a waiver or estoppel of any right, remedy, or condition. A waiver once given is not to be construed as a waiver on any future occasion or against any other person or entity.

18.4. Amendment. The parties may amend this Agreement only by a written agreement of the parties that identifies itself as an amendment to this Agreement.

18.5. Headings & Interpretation. The descriptive headings/captions of the sections and subsections of this Agreement are for convenience only, do not constitute a part of this Agreement, and do not affect this Agreement's construction or interpretation. Whenever used in this Agreement: (i) the words "herein", "hereof", and similar words refer to this Agreement in its entirety and not solely to any specific sentence, paragraph, or section; (ii) the words "include," "includes," and "including" mean considered as part of a larger group, incorporate "without limitation", and are not limited to the items recited; (iii) the word "shall" means "is obligated to"; (iv) the word "may" means "is permitted to, but is not obligated to"; and (v) unless otherwise noted reference to a specific Section or Exhibit is a reference to a Section or Exhibit in this Agreement.

18.6. Choice of Law. The laws of the state, commonwealth, or jurisdiction where the Property is located (without giving effect to its conflict of laws principles) govern all matters arising out of or relating to this Agreement and the transactions it contemplates, including its interpretation, construction, performance, and enforcement.

18.7. Authority to Execute. Each party represents to the other party that this Agreement: (i) resulted from an arm's-length negotiation; (ii) has been duly authorized, executed, and delivered by and on behalf of such party; and (iii) constitutes the valid, binding, and enforceable agreement of such party in accordance with the terms of this Agreement. In addition, Seller represents to Buyer that Seller has the full right, power, and authority to enter into this Agreement without the necessity of obtaining any third party approval (other than those already obtained by Seller) and that the terms of this Agreement do not violate any agreement, loan, condition, covenant, restriction, exclusive, or any other agreement or provisions which existed prior to the date of this Agreement.

18.8. No Construction Against Drafting Party. Seller and Buyer acknowledge that each of them and their respective counsel have had an opportunity to review this Agreement and that this Agreement will not be construed for or against either party merely because such party prepared or drafted this Agreement or any particular provision thereof.

18.9. Counterparts & Digital Signatures. The parties may execute this Agreement in multiple counterparts, each of which constitutes an original, and all of which, collectively, constitute only one agreement. The signatures of all parties need not appear on the same counterpart. This Agreement is valid, binding, and enforceable against a party only when executed by an authorized individual on behalf of a party by means of (i) an electronic signature that complies with the federal Electronic Signatures in Global and National Commerce Act, state enactments of the Uniform Electronic Transactions Act, or any other relevant and applicable electronic signatures law; (ii) an original manual signature; or (iii) a faxed, scanned, or photocopied manual signature. Each electronic signature or faxed, scanned, or photocopied manual signature has for all purposes the same validity, legal effect, and admissibility in evidence as an original manual signature. This Agreement is effective upon delivery of one executed counterpart from each party to the other parties. In proving this Agreement, a party must produce or account only for the executed counterpart of the party to be charged.

18.10. Damages. Notwithstanding anything set forth in this Agreement to the contrary, neither party is liable to the other for any special, indirect, punitive, or consequential damages.

18.11. Time of the Essence. Time is of the essence in this Agreement.

18.12. Business Days. "**Business Day**" (or "**business day**") means, as to any party, any day that is not a Saturday, Sunday, or other day on which national banks are authorized or required to close in the state, commonwealth, or jurisdiction where the Property is located ("**Bank Holiday**"). To compute a time period under this Agreement when the period is stated in days or a longer unit of time: (i) exclude the day of the event that triggers the period; (ii) count every day, including intermediate Saturdays, Sundays, and Bank Holidays; and (iii) include the last day of the period, but if the last day is a Saturday, Sunday, or Bank Holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or Bank Holiday.

18.13. Attorneys' Fees. In the event of any litigation related to this Agreement, whether to enforce its terms, recover for default, or otherwise, if either party receives a judgment, settlement, or award in its favor (the "**Receiving Party**") against the other party (the "**Paying Party**") in such litigation, the Paying Party will pay upon demand all of the Receiving Party's costs, charges, and expenses (including reasonable attorneys' fees, court costs, and expert witness fees) arising out of such litigation (including the

costs of any appeal related thereto); provided, however, that if prior to commencement of a trial in the litigation the Paying Party offers to pay an amount equal to or in excess of such judgment, settlement, or award, the Receiving Party is not entitled to any such costs, charges, or expenses.

18.14. Third-Party Beneficiaries. This Agreement does not and is not intended to confer any rights or remedies upon any person or legal entity other than the signatories.

18.15. Effective Date. The date this Agreement is signed by the last party to sign it (as indicated by the date associated with that party's signature) will be deemed the date of this Agreement. If a party signs but fails to date a signature the date that the other party receives the signing party's signature will be deemed to be the date that the signing party signed this Agreement and the other party may inscribe that date as the date associated with the signing party's signature; provided, however, if only one party dated this Agreement, then such date is the date of this Agreement.

18.16. Anti-Money Laundering, Sanctions, and Anti-Corruption.

18.16.1. "**AML Laws**" means all U.S. anti-money laundering laws that criminalize money laundering or any predicate crimes to money laundering. "**Anti-Corruption Laws**" means the U.S. Foreign Corrupt Practices Act and any similar applicable statute, rule, or regulation relating to bribery or corruption. "**Sanctions**" means any economic, trade, or financial sanctions, sectoral sanctions, secondary sanctions, trade embargoes, or anti-terrorism laws imposed from time to time by the United States government including but not limited to those administered or enforced by the U.S. Department of Treasury's Office of Foreign Assets Control. Each party represents to the other party that it is not a target of Sanctions and will not directly or indirectly transfer any of its interest in the Agreement to a target of Sanctions. At all times during the term of this Agreement each party shall not violate applicable Sanctions, AML Laws, or Anti-Corruption Laws to the extent that such violation results in it being unlawful for the non-violating party to transact business under the Agreement with the violating party. If a violation occurs that results in it being unlawful for the non-violating party to transact business under the Agreement with the violating party, the non-violating party may suspend, upon written notice thereof to the violating party, any monetary obligations under the Agreement until such time as the violating party is no longer in violation. In addition, if such violation is not cured promptly, the non-violating party may terminate the Agreement upon prior written notice thereof to the violating party.

18.16.2. "**Sanctions Info**" means (i) full legal name, (ii) TIN/SSN for an entity or individual, as applicable, that is a party to the Agreement, and (iii) full current business street address. "**Entity Signatory**" (collectively, "**Entity Signatories**") means an entity that executes this Agreement directly or indirectly for an entity party. Buyer shall, prior to execution of this Agreement, deliver to Seller a notice setting forth Sanctions Info for all entities and individuals that are a party to the Agreement and for all Entity Signatories (e.g., if the entity executing this Agreement is John Smith LLC (the entity party) by Peter Jones LLC, its sole manager (the Entity Signatory), by Jack Miller, its sole manager, then the notice must include Sanctions Info for John Smith LLC and for Peter Jones LLC, but not for Jack Miller). Thereafter, each party shall, within five (5) business days after receipt of written notice thereof from the other party, deliver to the requesting party a notice setting forth the Sanctions Info (see example above) for all entities and individuals that are a party to the Agreement and for all Entity Signatories.

19. Intentionally Deleted.

20. Offer and Acceptance; Binding Effect. This Agreement, as executed by the first party to execute this Agreement (the "**Offeror**"), constitutes an offer to the other party to execute this Agreement (the "**Offeree**"). "**First Party Signature Date**" means the date the Offeror signs this Agreement as shown on the signature page(s) attached hereto. The Offeree may accept the offer, if at all, by delivering to the

Offeror one (1) fully executed original or counterpart of this Agreement on or before 5:00 p.m. on the Acceptance Date. Notwithstanding the notice provisions of this Agreement, acceptance of the offer will be effective only upon the actual receipt by the Offeror of the above executed original or counterpart. The above offer, if not timely accepted as provided above, is void as of the date and time set forth above. This Agreement is not binding upon either party until each party has executed at least one (1) original or counterpart of this Agreement and initialed any changes hereto.

21. Merger/Prior Agreements. THIS AGREEMENT CONSTITUTES THE FINAL AGREEMENT BETWEEN THE PARTIES. IT IS THE COMPLETE AND EXCLUSIVE EXPRESSION OF THE PARTIES' AGREEMENT ON THE MATTERS CONTAINED IN THIS AGREEMENT. ALL PRIOR AND CONTEMPORANEOUS NEGOTIATIONS AND AGREEMENTS BETWEEN THE PARTIES ON THE MATTERS CONTAINED IN THIS AGREEMENT ARE EXPRESSLY MERGED INTO AND SUPERSEDED BY THIS AGREEMENT. THE PROVISIONS OF THIS AGREEMENT MAY NOT BE EXPLAINED, SUPPLEMENTED, OR QUALIFIED THROUGH EVIDENCE OF TRADE USAGE OR A PRIOR COURSE OF DEALINGS. IN ENTERING INTO THIS AGREEMENT, THE PARTIES HAVE NOT RELIED UPON ANY STATEMENT, REPRESENTATION, OR AGREEMENT OF THE OTHER PARTY EXCEPT FOR THOSE EXPRESSLY CONTAINED IN THIS AGREEMENT. THERE IS NO CONDITION PRECEDENT TO THE EFFECTIVENESS OF THIS AGREEMENT OTHER THAN THOSE EXPRESSLY STATED IN THIS AGREEMENT.

22. Waiver of Jury Trial. TO THE EXTENT PERMITTED BY APPLICABLE LAW, EACH PARTY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES ITS RIGHT TO A TRIAL BY JURY IN ANY ACTION OR OTHER LEGAL PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT AND THE TRANSACTIONS IT CONTEMPLATES. THIS WAIVER APPLIES TO ANY ACTION OR OTHER LEGAL PROCEEDING, WHETHER SOUNDING IN CONTRACT, TORT, OR OTHERWISE. EACH PARTY ACKNOWLEDGES THAT IT HAS RECEIVED THE ADVICE OF COMPETENT COUNSEL.

[Remainder of Page Left Blank Intentionally –
Signatures on Following Page]

The parties hereby execute this Agreement as of the dates set forth below.

Seller:

WELLS FARGO BANK, N.A., a national banking association

By: _____

Print Name: _____

Title: _____

Date: _____

By: _____

Print Name: _____

Title: _____

Date: _____

Buyer:

CITY OF ST. GEORGE, a Utah municipal corporation

By: _____

Print Name: _____

Title: _____

Date: _____

Escrow Agent:

JEFF BARNES

By: _____

Print Name: _____

Title: _____

Date: _____

EXHIBIT A

LEGAL DESCRIPTION

Parcel Number	SG-237
Acres	Parcel A (to be retained by Wells Fargo) 0.5746 acres Parcel B (to be acquired by City) 1.3185 acres
Address	1 S MAIN STREET, ST GEORGE
Legal Description	Parcel A: New Wells Fargo Parcel Beginning at Northwest corner of Block 15, Plat A, St. George City Survey, said point being the POINT OF BEGINNING; thence S 89°51'16" E along the North line of said Block 15, a distance of 115.50 feet; thence S 00°08'44" W 40.00 feet; thence S 89°51'16" E 16.50 feet to the East line of Lot 5 of said Block 15; thence S 00°08'44" W along said East line 92.00 feet; thence S 89°51'16" E 33.00 feet; thence S 00°09'58" W 50.10 feet; thence N 89°51'16"W 164.98 feet to the West line of said Block 15; thence N 00°08'44" E along the West line of said Block 15, a distance of 182.10 feet to the POINT OF BEGINNING. Containing 25,030.28 square feet or 0.5746 acres, more or less.
Legal Description	Parcel B: City acquisition Beginning at the Southwest corner of Block 15, Plat A, St. George City Survey, said point being the POINT OF BEGINNING; thence North along the West line of said Block 15, a distance of 346.00 feet; thence East 166.00 feet; thence South 346.00 feet to the South line of said Block 15; thence West along the South line of said Block 15, a distance of 166.00 feet to the POINT OF BEGINNING. Containing 57,436.00 square feet or 1.3185 acres, more or less.

Parcel Number	SG-236-A-1
Acres	1.06
Address	1 S MAIN STREET, ST GEORGE

Legal Description	Beginning East 34 feet more or less from the Northwest corner of Lot 3, Block 15, Plat A, St. George City Survey, thence East 175 feet, more or less; thence South 264 feet, more or less; thence West along the block line 175 feet, more or less; thence North 264 feet, more or less to the point of beginning.

Parcel Number	SG-242
Acres	0.19
Address	1 S MAIN STREET, ST GEORGE
Legal Description	Beginning at the Southeast corner of Lot 7, Block 15, Plat A, St. George City Survey, thence North along the East line of Lot 7, 80 feet; thence North 2 feet; thence West 209 feet; thence South 82 feet to a point on the South line of Lot 6, Block 15; thence East along the South line of Lots 6 and 7, 231 feet to the point of beginning. Less and excepting: Beginning at the Southeast corner of Lot 7, Block 15, Plat A, St. George City Survey, thence North along the East line of Lot 7, 80 feet; thence West 22 feet; thence North 2 feet; thence West 110 feet; thence South 82 feet; thence East 132 feet to the point of beginning.

EXHIBIT B

SITE PLAN OR SURVEY

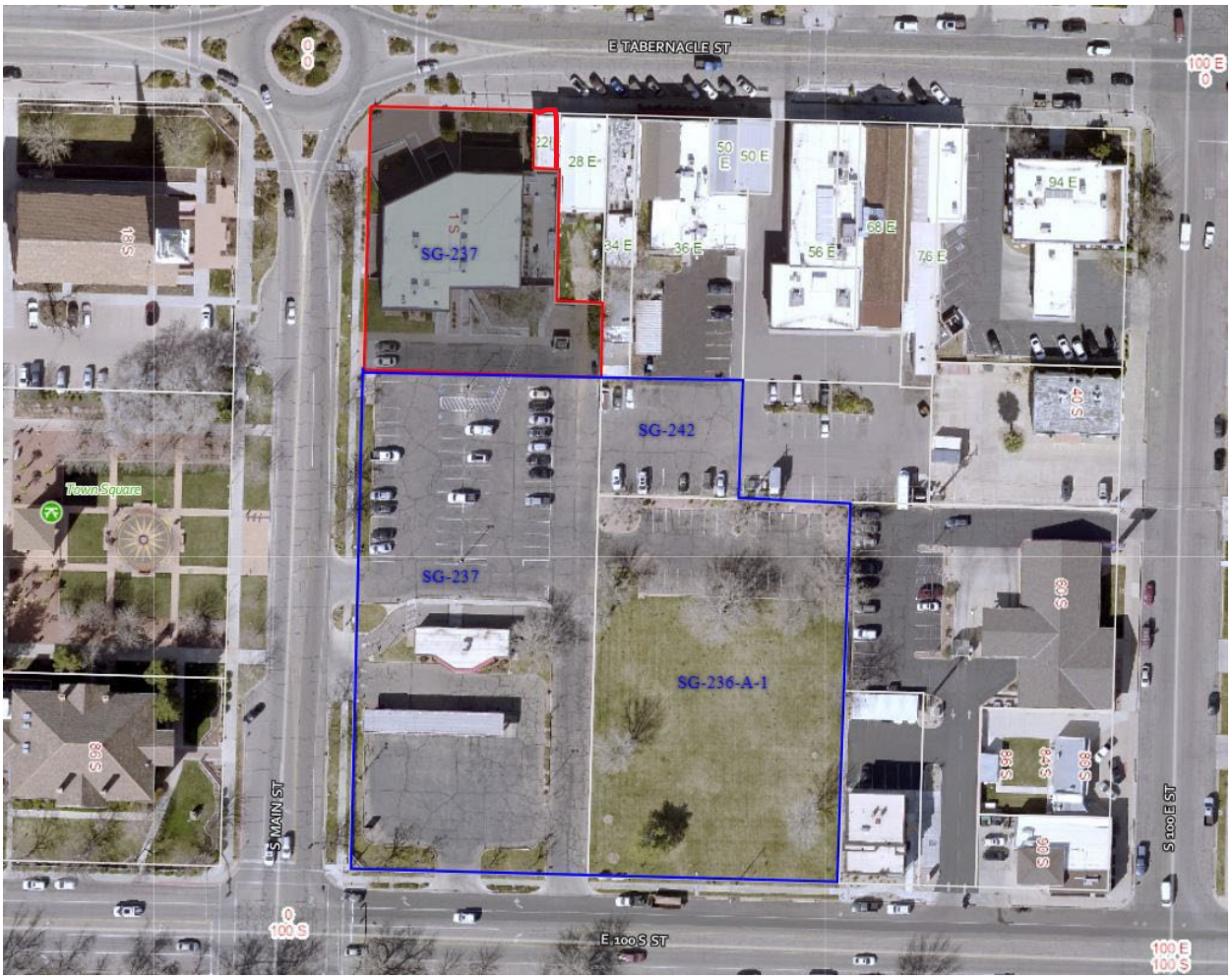


EXHIBIT C

BUYER'S SCOPE OF WORK FOR ATM REPLACEMENT

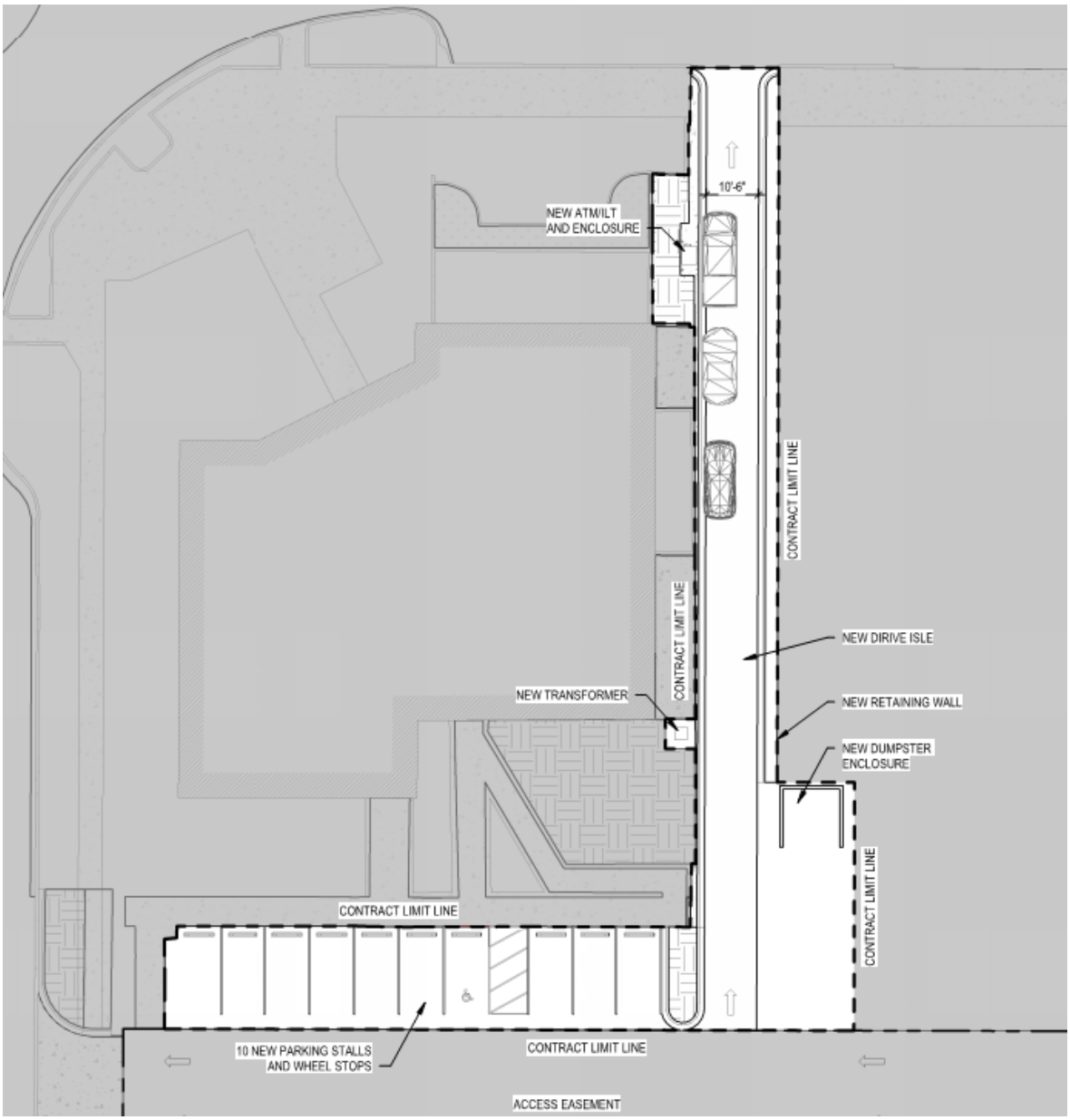
Work to be completed by the City of St. George will include the demolition and removal of the existing building located at 24 East Tabernacle Street, paving, existing fencing, screen wall, retaining wall, and landscaping.

New work will include pavement, retaining wall, fencing, bollards, landscape repair, new drive approach onto Tabernacle Street, new landscape island, new electrical transformer, ATM concrete base, power to ATM, and data conduit to ATM (Cabling by Wells Fargo). New work will also include stripping for 10 new parking stalls (refer to site plan included below), installing tire bumpers, and a new dumpster enclosure.

Work will also include cosmetic repairs to the existing exterior wall exposed by the demolition of the 24 East Tabernacle building.

Demolition of existing structures	1 Each
Concrete - Drive and Curbs	3200 S.F.
Bollards/Railing/Fencing at Existing Mechanical Equipment and Light Well	65 S.F.
Parking Lot Stripping/Wheel Stops	1 Each
Concrete - Retaining Wall	110 S.F.
Railing/Guardrail at Retaining Wall	110 S.F.
East Wall Restoration	1 Each
Electrical transformer relocation	1 Each

[see next page for site plan]


10'-6"
NEW ATM/ILT
AND ENCLOSURE
CONTRACT LIMIT LINE
CONTRACT LIMIT LINE
NEW DIRIVE ISLE
NEW TRANSFORMER
NEW RETAINING WALL
NEW DUMPSTER
ENCLOSURE
CONTRACT LIMIT LINE
CONTRACT LIMIT LINE
10 NEW PARKING STALLS
AND WHEEL STOPS
CONTRACT LIMIT LINE
ACCESS EASEMENT

ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 1, 2022, 5:00 P.M.
CITY COUNCIL CHAMBERS

PRESENT:

Mayor Michele Randall
Councilmember Jimmie Hughes – arrived at 5:10 p.m.
Councilmember Dannielle Larkin
Councilmember Gregg McArthur
Councilmember Natalie Larsen
Councilmember Michelle Tanner

STAFF MEMBERS PRESENT:

City Manager Adam Lenhard
City Attorney Tani Pack Downing
City Recorder Christina Fernandez
Communications and Marketing Director David Cordero
Planner Carol Davidson
Planner Mike Hadley
Planner Dan Boles
Community Development Director John Willis
Public Works Director Cameron Cutler

CALL TO ORDER, INVOCATION, AND FLAG SALUTE:

Mayor Randall called the meeting to order and welcomed all in attendance. The invocation was offered by Reverend Alex Wilkie and The Pledge of Allegiance to the Flag was led by Councilmember Tanner.

Link to call to order, invocation, and flag salute: 00:00:00

Link to Proclamations proclaiming: 1) Alcohol Free School Year for Youth – received by Pamela Holiday and the Washington County Youth Coalition; 2) Recovery Day – received by Marcie Gray and the Recovery Day Committee; 3) Constitution Week – received by Marion Rumney and the Daughters of the American Revolution; 4) Patriotism Week – received by Bob Matteson and the Dixie Elks; and 5) Marathon Day – received by Michelle Graves and St. George Marathon staff: 00:01:45

Link to presentation from Communications and Marketing Director David Cordero regarding the Remembering 911 and the Field of Heroes events as well as Valerie King letting the Council know about the Wreaths Across America Mobile Exhibit, all of which be taking place this September: 00:24:06

COMMENTS FROM THE PUBLIC:

Link to Mayor Randall outlining the rules for speaking: 00:28:24

Link to comments made by resident Curt Sorweid: 00:28:52

Link to comments made by resident April McKee: 00:32:12

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CONSENT CALENDAR:

a. Consider approval to sponsor the Battle of the Badges Chili Cook-Off organized by Utah Disaster Kleenup on October 22, 2022, from 6:00 a.m. to 6:00 p.m. at Vernon Worthen Park.

BACKGROUND and RECOMMENDATION: Consider approval to sponsor the Battle of the Badges Chili Cook-Off organized by Utah Disaster Kleenup on October 22, 2022, from 6:00 a.m. to 6:00 p.m. at Vernon Worthen Park. Staff recommends approval of this sponsorship request.

b. Consider approval to continue sponsorship of the annual Juan's Spring Festival event organized by Canyon Media on October 15, 2022 at Vernon Worthen Park.

BACKGROUND and RECOMMENDATION: This annual event started in 2017. The sponsorship request includes: 1) Fee waiver for the Special Event Permit Fee ($150/day); 2) Fee waiver for the sub-license fees ($5 each); 3) Fee waiver for the park reservation fee ($400/day); 4) City staff to assist with clean-up/trash; 5) Police Officers; 6) Setup big stage; 7) Picnic tables; 8) Trash cans/liners; and 9) Firetruck and flag on display. Staff recommends approval of this sponsorship request, with the conditions that the organizers recruit volunteers in lieu of city staff to aid in the clean-up of trash, and that a special event permit and encroachment permit (as applicable) are each approved.

c. Consider approval of a Reimbursement Agreement with Quality Excavation for the upsizing of an irrigation line through a phase of the White Hills Subdivision.

BACKGROUND and RECOMMENDATION: Quality Excavation is developing the White Hills Subdivision. They will be installing an 8" irrigation line. Our master plan identifies the need of an 18" irrigation line through that subdivision. This agreement is to upsize the line from an 8" line to an 18" line, with the City paying the upsizing costs. Staff recommends approval of the reimbursement agreement.

d. Consider approval of a contract with Specialty Applicators, LLC for seal coat for various streets within the City of St. George.

BACKGROUND and RECOMMENDATION: This is a sole source contract. This product (GSB-Friction Seal) will be used on the newer portion of Indian Hills Drive. that was constructed in 2015. The product was tested on Sand Piper Drive. and at the St. George Regional Airport (north section of FBO ramp) with excellent results. Staff recommends approval.

e. Consider approval of a contract with Holbrook Asphalt, Inc. for HA5 seal coat for various streets within the City of St. George.

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BACKGROUND and RECOMMENDATION: This is a sole source award. It has been used for many years throughout the City for asphalt preservation with excellent results. Staff recommends approval.

f. Consider approval of a Confidential Settlement Agreement.

g. Consider approval of the minutes from the meetings held on August 4, 2022; August 11, 2022; August 16, 2022; August 18, 2022 (Special Meeting); August 18, 2022 (Regular Meeting); August 25, 2022 (City Council/Planning Commission Meeting); August 25, 2022 (City Council/Redevelopment Agency Meeting); August 25, 2022 (Work Meeting); and August 25, 2022 (Regular Meeting).

Link to presentation from City Manager Adam Lenhard: 00:35:32

Link to Councilmember Tanner asking to pull item f for a separate vote: 00:35:44

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Link to motion: 00:35:52

MOTION:
A motion was made by Councilmember McArthur to approve the consent calendar, excluding item f.
SECOND:
The motion was seconded by Councilmember Larkin.
VOTE:
Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

Link to motion: 00:36:12

MOTION:
A motion was made by Councilmember McArthur to approve item f on the consent calendar.
SECOND:
The motion was seconded by Councilmember Hughes.
VOTE:
Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye

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Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – nay

The vote carried.

AMEND PLANNED DEVELOPMENT ZONE/ORDINANCE:

Consider approval of an ordinance amending the Desert Color Planned Development zone, specifically phase 5 of the Desert Color Resort in order to change the elevation of one of the approved buildings on approximately 0.14 acres located at 5393 South Aquamarine Lane. Case No. 2022-ZCA-036

BACKGROUND and RECOMMENDATION: The Desert Color development was approved in 2018 and Phase five of the Desert Color Resort being approved in April of 2021. Construction of phase 5 is well underway with many of the buildings under construction. In reviewing their product type, the applicant who is currently building in this phase would like to introduce a new product into phase five but only with one building. At their meeting held on August 9, 2022, the Planning Commission held a public hearing and recommended approval.

Link to presentation from Planner Dan Boles, including discussion between Councilmember Larkin and applicant Bob Hermandson: 00:36:34

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Link to motion: 00:40:25

MOTION:

A motion was made by Councilmember Tanner to approve the ordinance amending the Desert Color Planned Development zone, specifically phase 5 of the Desert Color Resort in order to change the elevation of one of the approved buildings on approximately 0.14 acres located at 5393 South Aquamarine Lane.

SECOND:

The motion was seconded by Councilmember Larkin.

VOTE:

Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

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ZONE CHANGE AMENDMENT/ORDINANCE:

Consider approval of an ordinance amending the Boulder Creek Planned Development Commercial (PD-C) zone to construct a multi-use building consisting of retail, restaurant, and professional office on approximately 1.52 acres located along the north side of 1450 South, east of the existing Maverick and Quench It businesses. Case No. 2022-ZCA-030

BACKGROUND and RECOMMENDATION: The proposal is for a new 8,184 square foot commercial multi-use building consisting of retail, restaurant, and professional office. The underlying general plan is Commercial (COM) & Flood Plain (FP). At their meeting held on July 26, 2022, the Planning Commission recommended approval of the application.

Link to presentation from Planner Mike Hadley, including discussion between the Council, Mr. Hadley, and Community Development Director John Willis: 00:41:03

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Link to motion: 00:44:32

MOTION:

A motion was made by Councilmember Larsen to approve ordinance amending the Boulder Creek Planned Development Commercial (PD-C) zone to construct a multi-use building consisting of retail, restaurant, and professional office on approximately 1.52 acres located along the north side of 1450 South, east of the existing Maverick and Quench It businesses.

SECOND:

The motion was seconded by Councilmember Hughes.

VOTE:

Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zone from Central Business District (C-4) to Planned Development Mixed Use (PD-MU) on approximately 1.3 acres to allow for a new mixed-use building for a project to be known as 300 West Mixed Use. Case No. 2022-ZC-027

BACKGROUND and RECOMMENDATION: The southwest corner of St. George Boulevard and 300 West currently has a used car lot, the Sun City Glass building, and an older mechanic shop that is being used as a part-time hobby shop. Behind

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the mechanic shop there is an unfinished dirt area that houses a few vehicles. The applicant is proposing to remove the car lot and mechanic shop buildings that wrap around the Sun City Glass building for the purpose of adding in a new mixed-use building that will house commercial on the main floor. At their meeting held on June 28, 2022, the Planning Commission held a public hearing and recommended approval. Since the August 4th City Council meeting, the applicant has updated their plans. The height has been reduced to 55'. In addition, the building has gone from five (5) stories to four (4) stories. The unit count has gone from 52 units to 39 units which reduces the density from 40 dwelling units per acre to 30 dwelling units per acre. The commercial space has remained 8,000 square feet on the first level.

Link to presentation from Planner Carol Davidson, including discussion between the Council, Ms. Davidson, and applicant Wes Davis: 00:45:23

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Link to motion: 00:51:09

MOTION:

A motion was made by Councilmember McArthur to approve the ordinance changing the zone from Central Business District (C-4) to Planned Development Mixed Use (PD-MU) on approximately 1.3 acres to allow for a new mixed-use building for a project to be known as 300 West Mixed Use.

SECOND:

The motion was seconded by Councilmember Larsen.

VOTE:

Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zone from Agriculture, minimum lot size 1 acre (A-1) to Single Family Residential 8,000 sq ft minimum lot size (R-1-8) on approximately 15.05 acres located at approximately 2890 South and 3430 East to be known as Red Pine 3 & 4. Case No. 2022-ZC-034

BACKGROUND and RECOMMENDATION: The Red Pine development consists of single family lots with a minimum of 8,000 sq ft lot size. This is the next phases 3 and 4. At their meeting held on August 9, 2022, the Planning Commission held a public hearing and recommended approval.

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Link to presentation from Planner Mike Hadley: 00:51:50

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Link to motion: 00:53:12

MOTION:
A motion was made by Councilmember Larkin to approve the ordinance changing the zone from Agriculture, minimum lot size 1 acre (A-1) to Single Family Residential 8,000 sq ft minimum lot size (R-1-8) on approximately 15.05 acres located at approximately 2890 South and 3430 East to be known as Red Pine 3 & 4.

SECOND:
The motion was seconded by Councilmember Tanner.

VOTE:
Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:
Consider approval of an ordinance changing the zone from Agriculture 20, minimum lot size 20 acres (A-20) to Residential Estates, minimum lot size 20,000 sf (RE-20) on approximately 0.646 acres located at approximately at 2890 South 3430 East to be known as Webb Acres. Case No. 2022-ZC-032

BACKGROUND and RECOMMENDATION: Webb Acres is a single-family development. The purpose of this proposed zoning is to match the existing Webb Acres Ph. 2 & 3 subdivision. This piece of land is for a designated through street (3430 E) to connect north and south as per the City's roadway master plan. At their meeting held on August 9, 2022, the Planning Commission recommended approval.

Link to presentation from Planner Mike Hadley, including discussion between Councilmember McArthur and Mr. Hadley: 00:53:53

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Link to motion: 00:55:20

MOTION:
A motion was made by Councilmember McArthur to approve the ordinance changing the zone from Agriculture 20, minimum lot size 20 acres (A-20) to Residential Estates, minimum lot size 20,000 sf (RE-20) on approximately

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0.646 acres located at approximately at 2890 South 3430 East to be known as Webb Acres.

SECOND:

The motion was seconded by Councilmember Hughes.

VOTE:

Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

GENERAL PLAN AMENDMENT/ORDINANCE:

Consider approval of an ordinance changing the general plan from Low Density Residential (LDR) to Open Space (OS), Medium Density Residential (MDR) and High Density Residential (HDR) on approximately 14.44 acres located at 1295 North Bluff Street known as Dodge Springs. Case No. 2022-GPA-004

BACKGROUND and RECOMMENDATION: This item was tabled at the June 2, 2022 City Council meeting to allow discussion on the access to the property. The developer for Dodge Springs has met with UDOT and discussed access of their property to Bluff Street. After discussions with UDOT, two options were presented and the developer chose option 2, which allowed for a "right-out" only on to Bluff Street from the property. Therefore, there will be two vehicle access points to/from the property; a full access at 1250 North and a "right-out" only at Bluff Street. The original application for this general plan amendment was for Low Density Residential (LDR) to High Density Residential (HDR). At their meeting held on May 10, 2022, the Planning Commission held a public hearing and recommended approval with conditions. The applicant has updated the plan to reflect the recommendations of the Planning Commission and staff. The updates include 4.0 acres of open space along the hillside and 0.95 acres along 1250 North is proposed to be Medium Density Residential (MDR) and the remaining property of 9.0 acres as High Density Residential (HDR).

Link to presentation from Planner Mike Hadley, including discussion between the Council, Public Works Director Cameron Cutler, the applicant's representative Jon Walter, and applicant Brad Brown: 00:55:53

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Link to motion: 01:21:36

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MOTION:

A motion was made by Councilmember McArthur to deny the ordinance changing the general plan from Low Density Residential (LDR) to Open Space (OS), Medium Density Residential (MDR) and High Density Residential (HDR) on approximately 14.44 acres located at 1295 North Bluff Street known as Dodge Springs.

SECOND:

The motion was seconded by Councilmember Hughes.

Link to applicant Brad Brown asking the reasons for denial, Councilmember McArthur outlining the reasons for denial, comments and discussion between City Manager Adam Lenhard, the City Council, and Community Development Director John Willis: 01:22:10

Link to comments from Councilmember Tanner and vote: 01:24:32

VOTE:

Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – nay
Councilmember Larsen – aye
Councilmember Tanner – nay

The motion carried.

GENERAL PLAN AMENDMENT/ORDINANCE:

Consider approval of an ordinance changing the general plan future land-use map from Commercial (COM) to High Density Residential (HDR) on approximately 5.72 acres located on the west side of Dixie Drive just south of Gap Canyon Parkway for a project to be known as Dixie Apartments. Case No. 2022-GPA-005

BACKGROUND and RECOMMENDATION: This proposal is to change the land-use designation on approximately 5.72 acres of undeveloped land from Commercial (COM) potential to High Density Residential (HDR) potential. On April 26, 2022, this item was presented to the Planning Commission. At that time, the request was to change 7 acres to HDR and leave the remaining 3.12 acres as commercial. There were no public comments made during the public hearing process; however, there were two public comments that were sent to staff via email, those comments are shown in Exhibit B. During deliberation, the Planning Commissioners expressed concerns with the reduction of the commercial potential and traffic that comes from high density residential. The Planning Commissioners ultimately voted for a continuance. On the May 10, 2022, the applicant returned with a modified request. The size of the HDR land was reduced from 7 acres to 5.72 acres. This in turn increased the COM area from 3.12 acres to 4.4 acres. At their meeting held on May 10, 2022, the Planning Commission recommended approval.

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Link to presentation from Planner Carol Davidson, including discussion between the Council, Ms. Davidson, City Manager Adam Lenhard, Public Works Director Cameron Cutler, Community Development Director John Willis, and applicant Tim Stewart: 01:25:30

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Link to motion: 01:45:31

MOTION:
A motion was made by Councilmember Larkin to approve the ordinance changing the general plan future land-use map from Commercial (COM) to High Density Residential (HDR) on approximately 5.72 acres located on the west side of Dixie Drive just south of Gap Canyon Parkway for a project to be known as Dixie Apartments.

SECOND:
The motion was seconded by Councilmember Tanner.

VOTE:
Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – nay
Councilmember Tanner – aye

The motion carried.

CONDITIONAL USE PERMIT:
Consider approval of a conditional use permit to redevelop the existing Kmart shopping area by updating the building elevations, landscaping, and parking areas, as well as adding new pad sites to be known as Saint George Place. This project is located at 860 South Bluff Street and will be known as Saint George Place. Case No. 2022-CUP-005

BACKGROUND and RECOMMENDATION: In 2021, a conditional use permit (2021-CUP-006) was approved to redevelop the existing Kmart shopping area; however, the changes were not made, and the previous conditional use permit (CUP) expired on April 29, 2022. The applicants are still planning to redevelop the property and are here to reactivate their conditional use permit. At their meeting held on July 26, 2022, the Planning Commission Meeting recommended approval.

Link to presentation from Planner Carol Davidson, including discussion between Mayor Randall, Ms. Davidson, the City Council, and applicant Bart Suppes: 01:46:30

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DRAFT

Link to motion: 01:59:30

MOTION:
A motion was made by Councilmember Larkin to approve the conditional use permit to redevelop the existing Kmart shopping area by updating the building elevations, landscaping, and parking areas, as well as adding new pad sites to be known as Saint George Place including the conditions of the Planning Commission.

SECOND:
The motion was seconded by Councilmember Tanner.

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

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

APPOINTMENTS:

Appointments to Boards and Commissions of the City.

No appointments were made.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Link to reports from Councilmember Larkin: 02:00:11

Link to reports from Mayor Randall: 02:00:44

Link to reports from City Manager Adam Lenhard: 02:01:03

ADJOURN TO A CLOSED MEETING:

Request a closed session to discuss litigation, property acquisition or sale or the character and professional competence or physical or mental health of an individual.

A closed session was not needed.

ADJOURN:

Link to motion: 02:01:26

MOTION:
A motion was made by Councilmember Larkin to adjourn.

SECOND:
The motion was seconded by Councilmember McArthur.

DRAFT

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

_____
Christina Fernandez, City Recorder

DRAFT

ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 22, 2022, 5:00 P.M.
CITY COUNCIL CHAMBERS

PRESENT:

Mayor Michele Randall
Councilmember Dannielle Larkin
Councilmember Gregg McArthur
Councilmember Natalie Larsen
Councilmember Michelle Tanner

EXCUSED:

Councilmember Jimmie Hughes

STAFF MEMBERS PRESENT:

City Manager Adam Lenhard
City Attorney Tani Pack Downing
Deputy City Recorder Annette Hansen
Assistant City Manager Marc Mortensen
Administrative Services Director Trevor Coombs
Budget and Financial Planning Manager Robert Myers
Assistant Budget Manager Chad Moultrie
Leisure Services Director Shane Moore
Water Services Director Scott Taylor
Energy Services Director Laurie Mangum
Economic Vitality and Housing Director Shirlayne Quayle
Communications and Marketing Director David Cordero
Public Works Director Cameron Cutler
City Planner Carol Davidson

CALL TO ORDER, INVOCATION, AND FLAG SALUTE:

Mayor Randall called the meeting to order and welcomed all in attendance. Tim Martin with the St. George Interfaith Council addressed the Council and presented a letter of thanks from the St. George Interfaith Council to Mayor Randall and the City Council for their ongoing support of the CROP Walk and other activities, after which he offered the invocation. The Pledge of Allegiance to the Flag was led by Councilmember McArthur.

Link to call to order, invocation, and flag salute: 00:00:00

Link to proclamation proclaiming September 23 – October 2, 2022 as National Drive Electric Week; the proclamation was accepted by Michael Kruse: 00:05:02

CONSENT CALENDAR:

a. Consider approval to purchase a budget development software from ClearGov.

BACKGROUND and RECOMMENDATION: Development of the city's budget requires significant resources across the organization annually as we work to identify and evaluate the cost to provide services, long term needs of the community, and the funding available to pay for these needs. Data is gathered and evaluated for over 3,400 accounts in over 40 different funds for over 130 different department divisions

which culminates into a 400-page budget document. Staff currently rely on a myriad of products to help gather and analyze this information including Microsoft Excel, Google Sheets, Microsoft Word, and Adobe Acrobat. Due to the growing complexity and volume of the data gathered, reviewed, and analyzed each year during the budget process in addition to the large number of staff members directly working in the process, a more effective solution is needed that will help streamline the budget process, allow for easier analysis, and improve the presentation of the budget for the City Council and public. Staff has spent the past two years evaluating the major software solutions in the market and after considerable evaluation, staff recommends approval to purchase a budget development software from ClearGov.

b. Consider approval of the third amendment to the Engineering Agreement with Jviation dated September 23, 2021 for the South Taxiway & Apron project Design.

BACKGROUND and RECOMMENDATION: AIP-44 South Apron & Taxiway Connector project grant was applied for and approved by Mayor Randall on June 30, 2022; however, the City has not yet received the grant award. This project will design the South Apron and Taxiway connector for the Sandstone Aviation FBO ramp space. Staff recommends approval.

c. Consider approval of an Agreement to Purchase Real Property between Desert Canyons Development and the City of St. George for a new fire station.

BACKGROUND and RECOMMENDATION: This agreement includes the purchase of a lot within the Desert Canyons Town Center West subdivision for a new Fire Station. It also includes some improvements and utility upsizing that is the City's responsibility. As outlined in the agreement, the cost of the property is for $655,000 and the cost of the improvements and upsizing is $419,433.42. Staff recommends approval.

d. Consider approval of an Improvement Reimbursement Agreement between Feller Enterprises and the City of St. George for road improvements on 1450 East.

BACKGROUND and RECOMMENDATION: The developer of River Trail Townhomes (Feller Enterprises) is building a portion of the 1450 East connection between 900 South and Riverside Dr. The City has the responsibility for the remaining portion of the road. The improvements include curb, gutter, sidewalk, paving, roadbase, storm drain, and excavation. Funds for developer matching (i.e., impact fees), already approved in the budget, are proposed to fund the project. Staff recommends approval.

e. Consider approval for City sponsorship of Wreaths Across America in the amount of $2,500.

Link to presentation from City Manager Adam Lenhard, including discussion between the City Councilmembers and Budget and Financial Planning Manager Robert Myers

regarding item a, between the City Councilmembers, Public Works Director Cameron Cutler, and City Manager Adam Lenhard regarding item c, and between Councilmember Tanner and Public Works Director Cameron Cutler regarding item d: 00:07:00

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Link to motion: 00:16:10

MOTION:
A motion was made by Councilmember McArthur to approve the consent calendar as presented.
SECOND:
The motion was seconded by Councilmember Larkin.
VOTE:
Mayor Randall called for a vote, as follows:

Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/AMEND THE FISCAL YEAR 2022-23 BUDGET/RESOLUTION: Public hearing and consideration of a resolution to review and approve amendments to the Fiscal Year 2022-23 Budget.

BACKGROUND and RECOMMENDATION: State statute requires a public hearing when changes are requested to the City's budget. Staff typically bring budget openings forward to the City Council for consideration on a quarterly basis based on changes that occur during the fiscal year. Staff recommends taking public comment and approval of the resolution.

Link to presentation from Budget and Financial Planning Manager Robert Myers, including Councilmember Tanner asking for clarification on funding sources: 00:16:22

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Link to public hearing: 00:27:01

Link to motion: 00:27:18

MOTION:
A motion was made by Councilmember Larkin to approve the resolution to review and approve amendments to the Fiscal Year 2022-23 Budget.
SECOND:
The motion was seconded by Councilmember Larsen.

VOTE:

Mayor Randall called for a roll call vote, as follows:

Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

GENERAL PLAN AMENDMENT/2022 MODERATE INCOME HOUSING ELEMENT/ORDINANCE:

Consider approval of an ordinance amending the City General Plan to update the 2022 Moderate Income Housing (MIH) element of the General Plan.

BACKGROUND and RECOMMENDATION: The City adopted the 2019 Moderate Income Housing (MIH) element of the General Plan per SB34 in Fall 2019. In 2022, HB462 required that Cities include implementation plans for each strategy. The 2022 MIH Plan outlines six (6) strategies and associated implementation plans to provide realistic opportunities to meet the need for additional housing for families earning up to 80% of the Washington County median family income. The 2022 median family income for a family of four in Washington County is $83,900. 80% of the Washington County median family income is $67,120. The six (6) strategies were identified by the Planning Commission and City Council in a joint work meeting and implementation plan for each strategy was finalized by a working group that included two (2) members of the City Council and two (2) members of the Planning Commission. At their meeting held on September 13, 2022, the Planning Commission held a public hearing and recommended approval. No public comments were given at the public hearing.

Link to presentation from Economic Vitality and Housing Director Shirlayne Quayle, including discussion between the Councilmembers and City staff: 00:27:49

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Link to motion: 00:37:50

MOTION:

A motion was made by Councilmember Larkin to approve the ordinance amending the 2022 Moderate Income Housing (MIH) element, a state mandated requirement of the General Plan which outlines the City strategies and implementation plans to provide opportunities for additional moderate income housing, including the six (6) stated by Economic Vitality and Housing Director Shirlayne Quayle.

SECOND:

The motion was seconded by Councilmember McArthur.

VOTE:

Mayor Randall called for a roll call vote, as follows:

Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Larsen – aye
Councilmember Tanner – nay

The motion carried.

HILLSIDE DEVELOPMENT PERMIT:

Consider approval of a Hillside Development Permit to adjust the location of the ridgeline and ridgeline setback on lot 89 of the South Rim at Foremaster Ridge Phase 4 final plat in anticipation of the construction of a residential home.

BACKGROUND and RECOMMENDATION: The ridgeline for the property located at 1751 East Ridgeline Circle has been determined and is located on the South Rim at Foremaster Ridge Phase 4 final plat. Previously this year, requests have been made and granted to alter the 30' ridgeline setback on lots 82, 83, 84, 85, and 86. All of these requests were approved. This project will be known as South Rim at Foremaster Ridge Phase 4 - Lot 89. The he Hillside Review Board heard this case on August 24, 2022, and the Planning Commission held a public meeting for this case on September 13, 2022 and recommended approval with the following conditions: 1) The adjusted ridgeline is created by drawing a straight line between the two rear property line pins; and 2) An amended plat is filed and recorded for Lot 89 of the South Rim at Foremaster Ridge Phase 4 final plat with this new ridgeline location and associated 30’ setback on the plat.

Link to presentation from City Planner Carol Davidson, including discussion between Councilmembers Larsen and McArthur and Ms. Davidson: 00:38:36

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Link to motion: 00:42:52

MOTION:

A motion was made by Councilmember McArthur to approve the Hillside Development Permit to adjust the location of the ridgeline and ridgeline setback on lot 89 of the South Rim at Foremaster Ridge Phase 4 final plat in anticipation of the construction of a residential home.

SECOND:

The motion was seconded by Councilmember Tanner.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Cinder Bluffs at the Ledges Phase 1, a 7-lot residential subdivision located at approximately 1140 West 4750 North.

BACKGROUND and RECOMMENDATION: The proposed subdivision is located within the Ledges development. The general plan designation on this property is LDR (Low Density Residential), and the zoning is PD-R (Planned Development Residential). The proposed preliminary plat meets the current general plan designation and zoning. At their meeting held on September 13, 2022, the Planning Commission recommended approval.

Link to presentation from City Planner Carol Davidson, including discussion between Councilmember Larkin and Ms. Davidson: 00:43:13

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Link to motion: 00:45:25

MOTION:

A motion was made by Councilmember Larsen to approve the preliminary plat for Cinder Bluffs at the Ledges Phase 1, a 7-lot residential subdivision located at approximately 1140 West 4750 North.

SECOND:

The motion was seconded by Councilmember McArthur.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

APPOINTMENTS TO BOARDS AND COMMISSIONS OF THE CITY:

No appointments were made.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Link to reports from Councilmembers Larsen, McArthur, and Larkin: 00:45:56

REQUEST A CLOSED SESSION TO DISCUSS LITIGATION, PROPERTY ACQUISITION OR SALE OR THE CHARACTER AND PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL:

A closed session was not needed.

ADJOURN:

Link to motion: 00:49:51

MOTION:
A motion was made by Councilmember McArthur to adjourn.
SECOND:
The motion was seconded by Councilmember Larkin.
VOTE:
Mayor Randall called for a vote, as follows:

Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

_____
Annette Hansen, Deputy City Recorder

ST. GEORGE CITY COUNCIL MINUTES
WORK MEETING
SEPTEMBER 22, 2022, 4:37 P.M.
ADMINISTRATIVE CONFERENCE ROOM

PRESENT:
Mayor Michele Randall
Councilmember Dannielle Larkin
Councilmember Gregg McArthur
Councilmember Natalie Larsen
Councilmember Michelle Tanner

EXCUSED:
Councilmember Jimmie Hughes

STAFF MEMBERS PRESENT:
City Manager Adam Lenhard
City Attorney Tani Pack Downing
Deputy City Attorney Jami Brackin
Deputy City Recorder Annette Hansen
Assistant City Manager Marc Mortensen
Administrative Services Director Trevor Coombs
Leisure Services Director Shane Moore
Water Services Director Scott Taylor
Energy Services Director Laurie Mangum
Community Development Director John Willis
Economic Vitality and Housing Director Shirlayne Quayle
Communications and Marketing Director David Cordero
Public Works Director Cameron Cutler

DISCUSSION REGARDING CRIMSON RIDGE ESTATES STORMWATER AND IRRIGATION DRAINAGE:

Link to presentation from Public Works Director Cameron Cutler, including discussion between Councilmembers and City staff: 00:01:39

ADJOURN AND RECONVENE IN A CITY COUNCIL REGULAR MEETING:

Link to motion: 00:19:19

MOTION:

A motion was made by Councilmember Larkin to adjourn and reconvene in a regular meeting of the City Council.

SECOND:

The motion was seconded by Councilmember Larsen.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

DRAFT

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Annette Hansen, Deputy City Recorder

DRAFT

JOINT ST. GEORGE CITY COUNCIL
AND PLANNING COMMISSION MINUTES
WORK MEETING
SEPTEMBER 22, 2022, 3:00 P.M.
ADMINISTRATIVE CONFERENCE ROOM

PRESENT:

Mayor Michele Randall
Councilmember Dannielle Larkin
Councilmember Gregg McArthur
Councilmember Natalie Larsen
Councilmember Michelle Tanner
Planning Commission Member Austin Anderson
Planning Commission Member Elise West
Planning Commission Member Steve Kemp
Planning Commission Member Ray Draper
Planning Commission Member Nathan Fisher

EXCUSED:

Councilmember Jimmie Hughes
Planning Commission Member Lori Chapman
Planning Commission Member Emily Andrus

STAFF MEMBERS PRESENT:

City Manager Adam Lenhard
City Attorney Tani Pack Downing
Deputy City Attorney Jami Brackin
Deputy City Recorder Annette Hansen
Assistant City Manager Marc Mortensen
Government Affairs Director Shawn Guzman
Economic Vitality and Housing Director Shirlayne Quayle
Community Development Director John Willis
Planner Carol Davidson
Communications and Marketing Director David Cordero
Administrative Services Director Trevor Coombs

OTHERS PRESENT:

Whitney Ward
Mark Teepen with the Divario Development
Matt Ence, legal counsel for the Divario Development
Greg Cronin

CALL TO ORDER:

Mayor Randall called the meeting to order.

PRESENTATION REGARDING THE DRAFT DOWNTOWN PLANNING AREA:

Link to presentation from Whitney Ward, including discussion between City staff, Mayor Randall, City Councilmembers, and Planning Commission Members: 00:00:00 (first 8 minutes did not record)

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DRAFT

UPDATE FROM REPRESENTATIVES OF THE DIVARIO DEVELOPMENT:

Link to presentation from Mark Teepen with Divario, including discussion between Matt Ence, Greg Cronin, City staff, Mayor Randall, City Councilmembers, and Planning Commission Members: 00:23:43

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ADJOURN AND RECONVENE IN A CITY COUNCIL WORK MEETING:

Link to motion: 01:24:46

MOTION:

A motion was made by Councilmember Larsen to adjourn and reconvene in a work meeting of the City Council.

SECOND:

The motion was seconded by Councilmember Tanner.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

_____

Annette Hansen, Deputy City Recorder

DRAFT

ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 29, 2022, 5:00 P.M.
CITY COUNCIL CHAMBERS/ADMINISTRATIVE CONFERENCE ROOM

PRESENT:

Mayor Michele Randall
Councilmember Jimmie Hughes
Councilmember Dannielle Larkin
Councilmember Gregg McArthur
Councilmember Natalie Larsen
Councilmember Michelle Tanner

STAFF MEMBERS PRESENT:

City Manager Adam Lenhard- left during the 2nd half of the work meeting
Assistant City Manager Deanna Brklacich
Assistant City Manager Marc Mortensen
City Attorney Tani Downing
Deputy City Attorney Jami Brackin
City Recorder Christina Fernandez
Economic Vitality and Housing Director Shirlayne Quayle
Community Development Director John Willis
Public Works Director Cameron Cutler
Leisure Services Director Shane Moore
Administrative Services Director Trevor Coombs
Finance Manager Tiffany LaJoice
Budget and Financial Planning Manager Robert Myers
Assistant City Attorney Ryan Dooley
Technology Services Manager James Duckett
Information Security Administrator Tim Johansen
Victim Advocate Alyssa Urzi

OTHERS PRESENT:

Jillian Penhale with the DOVE Center

CALL TO ORDER:

Link to call to order and Mayor Randall mentioning the invocation and The Pledge Allegiance to the Flag were offered in the work meeting: 00:00:00 [Recording 1]

Link to Leisure Services Director Shane Moore giving the City Council know about the Mayor's Walk: 00:00:30 [Recording 1]

Link to proclamations proclaiming the month of October as Cybersecurity Awareness Month – accepted by James Duckett and Tim Johannsen with the City's IT Division; Domestic Violence Awareness Month – accepted by Jillian Penhale with the DOVE Center and Victim Advocate Alyssa Urzi; and Breast Cancer Awareness Month: 00:01:20 [Recording 1]

CONSENT CALENDAR:

a. **Consider approval of a Professional Services Agreement with Automation N Controls for automation, instrumentation, and SCADA work at the Wastewater Treatment Plant.**

DRAFT

BACKGROUND and RECOMMENDATION: The Water Services Department is in the process of replacing and expanding the wastewater treatment plant automation and controls systems. We have been working with Automation N Controls for the past few years in replacing and expanding the system. This professional services agreement will cover the next 12 months of work on the project. Staff recommends approval of the agreement.

b. Consider approval to purchase a 2022 Pierce Manufacturing 2,000 GPM 107' aerial/quint Ladder truck through Siddons-Martin Emergency Group (Regional Pierce Vendor).

BACKGROUND and RECOMMENDATION: This request is for an additional fire apparatus that is needed for the addition of new fire stations being constructed within the City. The apparatus will be purchased on the national Sourcewell purchasing contract. Staff from the Fire and Fleet Departments have been working on specifications over the past several months for two (2) requested fire apparatus. The requested 107' aerial/quint ladder truck will be similar to the apparatus purchased in 2016 from Pierce manufacturing and with the two (2) requested fire apparatus in the FY 2023 Budget would bring the total of Pierce apparatus to sixteen (16) in the Fire Department's fleet. The City has a long history with Pierce Manufacturing spanning over 30 years. Staff recommends the purchase of the 2022 Pierce Manufacturing 2,000 GPM 107' aerial/quint Ladder truck from Siddons-Martin Emergency Group in the amount of $1,491,097.28.

c. Consider approval to purchase a 2022 Pierce Manufacturing 1,500 GPM Type 1 fire engine/pumper through Siddons-Martin Emergency Group (Regional Pierce Vendor).

BACKGROUND and RECOMMENDATION: This request is for an additional fire apparatus that is needed for the addition of new fire stations being constructed within the city. The apparatus will be purchased on the national Sourcewell contract. Staff from the Fire and Fleet departments have been working on specifications over the past several months for two (2) requested fire apparatus, the requested fire engine/pumper will be similar to the previous six (6) pumpers purchased from Pierce manufacturing and with the two (2) requested fire apparatus in the FY 2023 Budget would bring the total of Pierce apparatus to sixteen (16) in the Fire Department's fleet. The City has a long history with Pierce Manufacturing spanning over 30 years. Staff recommends purchasing the 2022 Pierce Manufacturing 1,500 GPM Type 1 fire engine/pumper from Siddons-Martin Emergency Group in the amount of $1,010,977.21.

Link to presentation from City Manager Adam Lenhard: 00:12:53 [Recording 1]

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Link to motion: 00:13:08 [Recording 1]

DRAFT

MOTION:
A motion was made by Councilmember McArthur to approve the consent calendar as presented.
SECOND:
The motion was seconded by Councilmember Larkin.
VOTE:
Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ROADWAY VACATION/DEDICATION PLAT:
Public Hearing and consideration of a roadway vacation/dedication plat for Fort Pierce Area 5/7 Street Dedication and Vacation plat.

BACKGROUND and RECOMMENDATION: The Fort Pierce Area 5 Street Dedication plat as shown on the official plat on file in the Office of the Washington County Recorder's Office as Doc. No. 20130012409 was approved by City Council on January 17, 2013. It included a roadway dedication consisting of approximately 800 feet long and 80 feet wide. Only a portion of the roadway improvements have been installed including about 28 feet wide paving down the center of the roadway. The Joint Utilities Commission recommended approval.

Link to presentation from Public Works Director Cameron Cutler: 00:13:20 [Recording 1]

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Link to public hearing: 00:15:23 [Recording 1]

Link to motion: 00:15:40 [Recording 1]

MOTION:
A motion was made by Councilmember Larsen to approve the roadway vacation/dedication plat for Fort Pierce Area 5/7 Street Dedication and Vacation plat.
SECOND:
The motion was seconded by Councilmember Larkin.
VOTE:
Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye

DRAFT

Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

APPOINTMENTS:

Appointments to Boards and Commissions of the City.

No appointments were made.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Link to report from Councilmember Tanner, including comments from Mayor Randall, City Manager Adam Lenhard, and City Attorney Tani Downing: 00:16:23 [Recording 1]

Link to report from Councilmember Larsen: 00:23:40 [Recording 1]

Link to report from Councilmember McArthur: 00:24:20 [Recording 1]

Link to report from Mayor Randall: 00:24:36 [Recording 1]

Link to report from Councilmember Hughes: 00:25:03 [Recording 1]

Link to report from Councilmember Larkin: 00:25:33 [Recording 1]

Link to comments from Councilmembers Larkin and Hughes: 00:26:50 [Recording 1]

ADJOURN TO THE WORK MEETING:

Link to motion: 00:28:02 [Recording 1]

MOTION:

A motion was made by Councilmember Larkin to adjourn to the work meeting.

SECOND:

The motion was seconded by Councilmember Larsen.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

The regular meeting convened following the work meeting

DRAFT

ADJOURN TO A CLOSED SESSION:

Request a closed session to discuss litigation, property acquisition or sale or the character and professional competence or physical or mental health of an individual.

Link to motion: 00:00:00 [Recording 2]

MOTION:

A motion was made by Councilmember McArthur to adjourn to a closed session to discuss property acquisition or sale.

SECOND:

The motion was seconded by Councilmember Larsen.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

ADJOURN:

The meeting was adjourned following the closed meeting.

MOTION:

A motion was made by Councilmember McArthur to adjourn.

SECOND:

The motion was seconded by Councilmember Larkin.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

_____
Christina Fernandez, City Recorder

DRAFT

ST. GEORGE CITY COUNCIL MINUTES
WORK MEETING
SEPTEMBER 29, 2022, 4:00 P.M.
ADMINISTRATIVE CONFERENCE ROOM

PRESENT:

Mayor Michele Randall
Councilmember Jimmie Hughes
Councilmember Dannielle Larkin
Councilmember Gregg McArthur
Councilmember Natalie Larsen
Councilmember Michelle Tanner

STAFF MEMBERS PRESENT:

City Manager Adam Lenhard – left at 6:20 p.m.
Assistant City Manager Deanna Brklacich
Assistant City Manager Marc Mortensen
Government Affairs Director Shawn Guzman – left at 6:45 p.m.
City Attorney Tani Downing
Deputy City Attorney Jami Brackin
City Recorder Christina Fernandez
Economic Vitality and Housing Director Shirlayne Quayle
Community Development Director John Willis – left at 6:45 p.m.
Public Works Director Cameron Cutler
Leisure Services Director Shane Moore
Administrative Services Director Trevor Coombs
Finance Manager Tiffany LaJoice
Budget and Financial Planning Manager Robert Myers
Assistant City Attorney Ryan Dooley
City Surveyor Todd Jacobsen – arrived 6:45 p.m.

OTHERS PRESENT:

Jason Burningham with Lewis Young Robertson and Burningham – left at 6:25 p.m.
Isaac Barlow with Tech Ridge – left at 6:25 p.m.
Brennen Brown – left at 6:25 p.m.
Macrae Heppler – left during the 1st half of the regular meeting

CALL TO ORDER, INVOCATION, AND FLAG SALUTE:

Mayor Randall called the meeting to order and welcomed all in attendance. The invocation was offered by Uriah Hernalsteen with Solomon's Porch and The Pledge of Allegiance to the Flag was led by Mayor Randall.

Link to call to order, invocation, and flag salute: 00:00:00 [Recording 1]

Link to comments from City Manager Adam Lenhard: 00:01:46 [Recording 1]

DISCUSSION REGARDING THE TECH RIDGE COMMUNITY DEVELOPMENT AREA (CDA):

Link to presentation from Jason Burningham with Lewis Young Robertson and Burningham, including discussion between the City Council, Mayor Randall, and City staff: 00:02:05 [Recording 1]

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ADJOURN AND RECONVENE IN A REGULAR MEETING OF THE CITY COUNCIL:

Link to motion: 01:00:31 [Recording 1]

MOTION:

A motion was made by Councilmember McArthur to adjourn to a regular meeting of the City Council.

SECOND:

The motion was seconded by Councilmember Larkin.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

The work meeting reconvened following the regular meeting.

DISCUSSION REGARDING THE TECH RIDGE COMMUNITY DEVELOPMENT AREA (CDA) (CONTINUED):

Link to the continuation of Mr. Robertson's presentation, including discussion between the City Council, City staff, Isaac Barlow with Tech Ridge, Brennen Brown, City Manager Adam Lenhard: 00:00:00 [Recording 2]

Link to presentation from Isaac Barlow with Tech Ridge, including discussion between the City Council, Mr. Burningham, Mr. Brown, and City staff: 00:32:05 [Recording 2]

City Manager Adam Lenhard left the meeting at 6:20 p.m.

Link to comments from Mr. Burningham: 00:57:58 [Recording 2]

PRESENTATION REGARDING IRONMAN:

Link to presentation from Assistant City Manager Marc Mortensen, including discussion between the City Council and City staff: 01:02:58 [Recording 2]

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Link to video presented by Assistant City Manager Marc Mortensen: https://youtu.be/vZ_3UavJO24

Mayor Randall called for a short recess.

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DISCUSSION REGARDING THE SALE OF CITY PROPERTY:

Link to presentation from City Surveyor Todd Jacobsen, Assistant City Attorney Ryan Dooley, Deputy City Attorney Jami Brackin, and Public Works Director Cameron Cutler, including discussion between Mayor Randall, the City Council, and City staff: 00:00:00 [Recording 3]

ADJOURN TO THE REGULAR MEETING:

Link to motion: 00:30:16 [Recording 3]

MOTION:

A motion was made by Councilmember McArthur to adjourn to the regular meeting.

SECOND:

The motion was seconded by Councilmember Hughes.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

_____
Christina Fernandez, City Recorder

DRAFT

ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
OCTOBER 13, 2022 3:30 P.M.
ADMINISTRATIVE CONFERENCE ROOM

PRESENT:

Mayor Michele Randall
Councilmember Jimmie Hughes
Councilmember Dannielle Larkin
Councilmember Gregg McArthur
Councilmember Natalie Larsen
Councilmember Michelle Tanner

STAFF MEMBERS PRESENT:

City Attorney Tani Downing
Deputy City Attorney Jami Brackin
City Recorder Christina Fernandez

REQUEST A CLOSED SESSION:

Request a closed session to discuss litigation, property acquisition or sale or the character and professional competence or physical or mental health of an individual.

Link to motion: 00:00:00

MOTION:

A motion was made by Councilmember Larkin to adjourn to a closed session to discuss litigation and the professional competence or physical or mental health of an individual.

SECOND:

The motion was seconded by Councilmember McArthur.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

ADJOURN:

The meeting adjourned following the closed session.

MOTION:

A motion was made by Councilmember Larkin to adjourn.

SECOND:

The motion was seconded by Councilmember Larsen.

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VOTE:

Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

_____
Christina Fernandez, City Recorder

DRAFT

ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
OCTOBER 20, 2022, 5:00 P.M.
CITY COUNCIL CHAMBERS

PRESENT:
Mayor Pro Tem Jimmie Hughes
Councilmember Gregg McArthur
Councilmember Dannielle Larkin
Councilmember Natalie Larsen
Councilmember Michelle Tanner

ABSENT:
Mayor Michele Randall

STAFF MEMBERS PRESENT:
City Manager Adam Lenhard
Assistant City Manager Marc Mortensen
City Attorney Tani Pack Downing
Deputy City Recorder Annette Hansen
Public Works Director Cameron Cutler
Engineering Associate Genna Goodwin
Water Services Director Scott Taylor
Planner Dan Boles
Planner Carol Davidson
Planner Mike Hadley

CALL TO ORDER, INVOCATION, AND FLAG SALUTE:

Mayor Pro Tem Hughes called the meeting to order and welcomed all in attendance. The invocation was offered by Reverend Jimi Kestin with Solomons Porch Foursquare Fellowship and The Pledge of Allegiance to the Flag was led by Councilmember McArthur.

Link to call to order, invocation, and flag salute: 00:00:00

Link to Councilmember Larsen reading a proclamation proclaiming the week of October 31 – November 4, 2022 as National Veterans Small Business Week; proclamation was received by Scott Carlson on behalf of Jackie Hobson, including local Veteran small business owners Paul Zoman and Eric Porter introducing themselves: 00:04:00

Link to City Manager Adam Lenhard outlining amendments to the agenda as follows: items 6, 8 & 18 have been removed from the agenda and items 13 and 14 will be heard immediately following the consent calendar: 00:08:30

CONSENT CALENDAR:

a. Consider approval of the Independent Contractor Agreement with Taylor Made Fencing, LLC for the maintenance of the airport access gates.

BACKGROUND and RECOMMENDATION: Taylor Made Fencing installed the current fencing and gates surrounding the airfield at the airport. An equipment purchase and installation agreement was approved on November 30, 2021. The parts to the fencing and gates wear out and need to be replaced from frequent use by airfield tenants. Staff recommends approval.

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b. Consider approval of a Professional Services Agreement with Alpha Engineering for the design and construction management of the Ft. Pierce Sewer Main Replacement Projects- Reach 4.

BACKGROUND and RECOMMENDATION: The Sewer Master Plan, which was prepared in 2019 identified the need of upsizing the Ft. Pierce sewer outfall line from an 18" diameter line to a 36" diameter line to meet the demands of the anticipated growth in the Desert Canyons and Little Valley areas. Last year, one section of the line was upsized. This project is a continuation of the upsizing. This project will include the replacement and upsizing of 8,300 feet of sewer outfall line. Staff recommends approval.

c. Consider approval of a Professional Services Agreement with Bowen Collins & Associates for the design of the Washington Fields Drainage Project - Phase 3.

BACKGROUND and RECOMMENDATION: With the current development in the area, there is a need for this project to be completed. Phases 1 and 2 are complete. This project will complete the facility for this region, connecting the existing recently installed drain at 1140 South to Merrill Road. Staff recommends approval.

d. Consider approval of a purchase agreement to purchase real property at Valley View Drive along the Santa Clara River Tax ID SG-2-26-31181.

BACKGROUND and RECOMMENDATION: This parcel, approximately four (4) acres along the Santa Clara River at Valley View will assist the City in connecting the Santa Clara River Trail at Cottonwood Cove Park to Mathis Park. Staff recommends approval.

e. Consider approval to purchase Self Contained Breathing Apparatus (SCBA) air cylinders, mask/face piece and other accessories utilizing pricing per the NPPGOV PS20015 National Cooperative Purchasing Agreement.

BACKGROUND and RECOMMENDATION: Self Contained Breathing Apparatus (SCBA)'s needed for new fire apparatus and replacement of old SCBA units. These items are sole source from pricing per the NPPGOV PS20015 Cooperative Purchasing Agreement. Staff recommends the purchase of the SCBAs in the amount of $245,253.89.

Link to presentation from City Manager Adam Lenhard, including Mr. Lenhard clarifying the vendor on item e is L.N. Curtis: 00:09:07

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Link to motion: 00:09:49

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MOTION:
A motion was made by Councilmember Larkin to approve the consent calendar as presented.

SECOND:
The motion was seconded by Councilmember McArthur.

VOTE:
Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

Link to comments from Councilmembers Larkin, McArthur, and Mayor Pro Tem Hughes regarding item d on the consent calendar: 00:10:06

Link to comments from Councilmember Larkin: 00:11:08

AMEND TITLE 10 OF CITY CODE/ORDINANCE:
Consider approval of an ordinance amending various sections of Title 10 as they relate to setbacks and separation between buildings to be known as Setback and Separation Zoning Regulation Amendment. Case No. 2022-ZRA-004

BACKGROUND and RECOMMENDATION: The zoning code (Title 10) was revised in its entirety in 2019. As with all major code revisions, it was anticipated that further revisions would need to be made. One round of general changes was made within six (6) months or so to make some updates to the code that were either mistakes or just not workable. Other revisions have also been made as well. The Planning Commission held a public hearing on September 27, 2022 and recommended approval.

Link to presentation from Planner Dan Boles, including discussion between the Councilmembers and Mr. Boles: 00:12:10

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Link to motion: 00:16:50

MOTION:
A motion was made by Councilmember Larkin to approve the ordinance amending various sections of Title 10 as proposed by staff and contained in exhibit A attached to the ordinance, with the findings are that these changes are in the best interest of the City to update the City zoning regulations periodically and that the proposed provisions will bring the code back to the intended setback and intended separation requirements.

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SECOND:
The motion was seconded by Councilmember Larsen.
VOTE:
Mayor Pro Tem Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

AMEND CITY CENTER COMMONS PD-R/ORDINANCE:
Consider approval of an ordinance amending the City Center Commons Planned Development Residential zone in order to add a new office building to the Children's Justice Center site to be known as Children's Justice Center on approximately 1.80 acres located at approximately 425 East 500 South. Case No. 2022-ZCA-039

BACKGROUND and RECOMMENDATION: This request is for a PD (Planned Development) amendment (or zone change amendment) to build a second building at the existing Children's Justice Center site. The site is approximately 1.80 acres total; the site to be built on is approximately one acre. The existing building was approved circa 2007 and was built shortly thereafter in 2008. The building functions as a facility for children who are victims of abuse or other crimes. It functions as an institutional use/office. The Planning Commission held a public hearing on September 27, 2022 and unanimously recommended approval with conditions.

Link to presentation from Planner Dan Boles, including discussion between applicants Victoria Hales and Kristi Pike, the City Councilmembers, and Mayor Pro Tem Hughes: 00:17:51

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Link to motion: 00:28:02

MOTION:
A motion was made by Councilmember McArthur to approve the ordinance amending the City Center Commons Planned Development Residential zone in order to add a new office building to the Children's Justice Center site to be known as Children's Justice Center on approximately 1.80 acres located at approximately 425 East 500 South.
SECOND:
The motion was seconded by Councilmember Tanner.
VOTE:
Mayor Pro Tem Hughes called for a roll call vote, as follows:

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Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT: Public hearing and approval of the Consolidated Annual Performance Evaluation Report (CAPER) for the 2021 program year, fiscal year 2022 of the Community Development Block Grant (CDBG).

BACKGROUND and RECOMMENDATION: On or about October 21, 2022, the City will submit a Consolidated Annual Performance Evaluation Report (CAPER), for the 2021 Program Year, to the U.S. Department of Housing & Urban Development (HUD). The CAPER is a financial and public benefit summary of the City's use and expenditures of federal Community Development Block Grant (CDBG) funds. The report evaluates how the City used these federal funds during the past program year to carry out priorities identified in the City's adopted 2021 Annual Action Plan. A public comment period was held from September 19th to October 19th. Staff recommends taking public comment and approval of the report.

Link to presentation from Engineering Associate Genna Goodwin: 00:28:53

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Link to public hearing: 00:29:35

Link to motion: 00:29:51

MOTION:
A motion was made by Councilmember Larkin to approve the Consolidated Annual Performance Evaluation Report (CAPER) for the 2021 program year, fiscal year 2022 of the Community Development Block Grant Program.

SECOND:
The motion was seconded by Councilmember McArthur.

VOTE:
Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

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PUBLIC HEARING/EASEMENT VACATION:

Public hearing and consideration of an easement vacation by subdivision amendment for Meadow Valley Farms Phase 7 Partial Amendment A (Lots 81 & 82).

BACKGROUND and RECOMMENDATION: This final plat subdivision was approved by City Council on January 21, 2016 and recorded in the Office of the Washington County Recorder as Doc. No. 20160023941 on July 5, 2016. The Joint Utilities Commission recommended approval.

Link to presentation from Public Works Director Cameron Cutler: 00:30:22

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Link to public hearing: 00:31:17

Link to motion: 00:31:30

MOTION:

A motion was made by Councilmember Larsen to approve the easement vacation by subdivision amendment for Meadow Valley Farms Phase 7 Partial Amendment A (Lots 81 & 82).

SECOND:

The motion was seconded by Councilmember Tanner.

VOTE:

Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/EASEMENT VACATION:

Public hearing and consideration of an easement vacation by subdivision amendment for Bloomington Hills No. 10 Subdivision Partial Amendment B (Lots 81 & 88 and Lot 82).

BACKGROUND and RECOMMENDATION: This subdivision plat was approved by the Washington County Commission on October 30, 1969 and recorded in the Office of the Washington County Recorder on October 31, 1969. The Joint Utilities Commission recommended approval.

Link to presentation from Public Works Director Cameron Cutler: 00:32:03

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Link to public hearing: 00:33:05

Link to motion: 00:33:20

MOTION:
A motion was made by Councilmember Larkin to approve the easement vacation by subdivision amendment for Bloomington Hills No. 10 Subdivision Partial Amendment B (Lots 81 & 88 and Lot 82).

SECOND:
The motion was seconded by Councilmember Tanner.

VOTE:
Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ROADWAY VACATION/ORDINANCE:

Public hearing and consideration of an ordinance for a roadway vacation for a platted roadway located at 3210 East Street between Merrill Road in Washington City and 1140 South Street in St. George.

BACKGROUND and RECOMMENDATION: During the May 20, 2021 City Council meeting, there were four items that were approved as part of the consent calendar (items i, j, k, and l). These items deeded property back and forth between the City of St. George, Property Reserve. and the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, and also granted a utility easement to Washington City. However, this approval was not a formal approval to vacate the existing right-of-way as platted in the late 1800's. This public hearing is the formal approval. Staff recommends approval.

Link to presentation from Public Works Director Cameron Cutler: 00:33:49

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Link to public hearing: 00:34:40

Link to motion: 00:34:54

MOTION:
A motion was made by Councilmember McArthur to approve the ordinance for a roadway vacation for a platted roadway located at 3210 East Street between Merrill Road in Washington City and 1140 South Street in St. George.

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SECOND:
The motion was seconded by Councilmember Larsen.
VOTE:
Mayor Pro Tem Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

APPROVE ST. GEORGE REGIONAL AIRPORT MASTER PLAN:
Consider approval of the St. George Regional Airport Master Plan.

BACKGROUND and RECOMMENDATION: The City approved the hire of McFarland Johnson, Inc. to develop the airport master plan on 8/13/2020. This plan has evaluated the airport facility needs and requirements for meeting continued growth in passenger air service, general aviation and the potential for new/expanded cargo and aircraft maintenance operations. The master plan features a scenario-based planning approach that will allow the airport to make more informed decisions using the data from otherwise unplanned alternatives to create a series of what-if scenarios. The additional data use and analysis will provide a greater level of utility and shelf-life to a traditional static master plan document. Staff recommends approval.

Link to presentation from Economic Vitality & Housing Development Director Shirlayne Quayle, including discussion between City Councilmembers, Mayor Pro Tem Hughes, and Ms. Quayle: 00:35:25

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Link to motion: 00:44:35

MOTION:
A motion was made by Councilmember Larkin to approve the St. George Regional Airport Master Plan.
SECOND:
The motion was seconded by Councilmember McArthur.
VOTE:
Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

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The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit for to add a new 5,000 sq. ft. sales building on the existing Carpets Plus at 1301 West Sunset Boulevard. Case No. 2022-CUP-006.

BACKGROUND and RECOMMENDATION: The proposal is a conditional use permit for the purpose of adding a new 5.000 sq. ft. sales building to the existing Carpets Plus site. The Planning Commission recommended approval of the application.

Link to presentation from Planner Mike Hadley: 00:45:08

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Link to motion: 00:46:21

MOTION:

A motion was made by Councilmember McArthur to approve the conditional use permit for to add a new 5,000 sq. ft. sales building on the existing Carpets Plus at 1301 West Sunset Boulevard.

SECOND:

The motion was seconded by Councilmember Tanner.

VOTE:

Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

AMEND ATKINVILLE INTERCHANGE AREA/ORDINANCE:

Consider approval of an ordinance amending the Atkinville Interchange Area Zone Plan for Area 1-5 to allow hospital as a permitted use and approval of their design to build a new Hospital and future medical center, on 17.86 acres located on the northwest corner of Southern Parkway and Desert Color Parkway to be known as Zion Regional Medical Center. Case No. 2022-ZCA-035

BACKGROUND and RECOMMENDATION: This request is to amend the code to build a hospital with a future medical center on 17.86 acres located at the northwest corner of Southern Parkway and Desert Color Parkway. This location falls in Area 1-5 of the Atkinville Interchange Area Zone Plan. On August 9, 2022, a public hearing was held for this item at the Planning Commission meeting. No comments were made. This item was continued until the September 13, 2022 Planning Commission meeting where follow-up questions were answered by the applicant. The Planning

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Commissioners recommended approval of this item with the conditions outlined in the staff report.

Link to presentation from Planner Carol Davidson, including discussion between applicant Jared Cox, and City Councilmembers: 00:46:55

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Link to motion: 01:02:45

MOTION:

A motion was made by Councilmember Tanner to approve the ordinance amending the Atkinville Interchange Area Zone Plan for Area 1-5 to allow hospital as a permitted use and approval of their design to build a new Hospital and future medical center, on 17.86 acres located on the northwest corner of Southern Parkway and Desert Color Parkway to be known as Zion Regional Medical Center with the five (5) recommended conditions from the Planning Commission.

SECOND:

The motion was seconded by Councilmember Larkin.

VOTE:

Mayor Pro Tem Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zone from A-1 (Agriculture, minimum lot size 1-acre) to R-1-20 (Residential Single Family, minimum lot size 20,000 sf lots), on approximately 18.62 acres located on the southeast corner of 1580 South 3000 East to be known as Solace. Case No. 2022-ZC-040

BACKGROUND and RECOMMENDATION: This location, on the eastern border of St. George, has RE-20 (Residential Estates 20,000 sq. ft. minimum lot size) zoned property to the south, it has RE-20 (20-acre minimum lot size) to the west, to the east is Washington City with 15,000 sf lots and to the north is A-1 (Agriculture 1-acre minimum size lot). The proposed R-1-20 is similar to the surrounding properties. The Planning Commission held a public hearing on this proposal on September 27, 2022, and recommended approval.

Link to presentation from Planner Mike Hadley: 01:04:15

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Link to motion: 01:05:22

MOTION:
A motion was made by Councilmember Larsen to approve the ordinance changing the zone from A-1 (Agriculture, minimum lot size 1-acre) to R-1-20 (Residential Single Family, minimum lot size 20,000 sf lots), on approximately 18.62 acres located on the southeast corner of 1580 South 3000 East to be known as Solace.

SECOND:
The motion was seconded by Councilmember Tanner.

VOTE:
Mayor Pro Tem Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zone from R-1-10 (single family residential, 10,000 sq ft minimum lot size) to PD-C (Planned Development Commercial) on approximately 4.67 acres and PD-AP (Planned Development Administrative Professional) on approximately 2.72 acres, generally located on the southeast corner of River Road and 1450 South for a project to be known as River Crossing Phase 2. Case No. 2022-ZC-038

BACKGROUND and RECOMMENDATION: A zone change to PD-C was approved in 2015 and established a general layout of the property and use list. In December of 2021, the layout on the north end of the project was established leaving the southern (current) portion of the property left single family residential. In May of 2022, the General Plan was amended on the property which would allow the commercial to extend to the south. It also established a Professional Office on the far south end as a buffer between the more intense uses on the north and the single-family homes south of the subject property. The Planning Commission held a public hearing and recommended approval.

Link to presentation from Planner Dan Boles, including discussion between Public Works Director Cameron Cutler, City Councilmembers, and applicants Trever Einerson and Steve Crandall: 01:06:38

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Link to motion: 01:21:40

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MOTION:
A motion was made by Councilmember McArthur to approve the ordinance changing the zone from R-1-10 (single family residential, 10,000 sq ft minimum lot size) to PD-C (Planned Development Commercial) on approximately 4.67 acres and PD-AP (Planned Development Administrative Professional) on approximately 2.72 acres, generally located on the southeast corner of River Road and 1450 South for a project to be known as River Crossing Phase 2 with the condition to make access right in and right out only.

SECOND:
The motion was seconded by Councilmember Larsen.

VOTE:
Mayor Pro Tem Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

AMEND RED CLIFFS MALL PD-C/ORDINANCE:

Consider approval of an ordinance amending the Red Cliffs Mall PD-C (Planned Development Commercial) zone to create a new entrance off Mall Drive and to modify the exterior of the former Sears building for Al's Sporting Goods to fill the vacated space. This is generally located at 1770 East Red Cliffs Drive and is approximately 39.39 acres for a project to be known as Red Cliffs. Case No. 2022-ZCA-041

BACKGROUND and RECOMMENDATION: The Red Cliffs mall was originally approved in 1987. There have been a few amendments to this planned development over the years. The most recent amendment occurred in 2021 when modifications were made to the approved signage plan. A public hearing was held at the September 27, 2022 Planning Commission meeting; no comments were made. The Planning Commission recommended approval.

Link to presentation from Planner Carol Davidson, including discussion between applicants Nate Evans (owner of the Red Cliffs Mall), Kris Larsen (owner of Al's Sporting Goods), City Councilmembers, and Mayor Pro Tem Hughes: 01:22:47

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Link to motion: 01:31:45

MOTION:
A motion was made by Councilmember Larkin to approve the ordinance amending the Red Cliffs Mall PD-C (Planned Development Commercial) zone to create a new entrance off Mall Drive and to modify the exterior of the

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former Sears building for Al's Sporting Goods to fill the vacated space, including the recommendations of the Planning Commission for the added pedestrian space and working with Public Works on the entrance.

SECOND:

The motion was seconded by Councilmember McArthur.

VOTE:

Mayor Pro Tem Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

HILLSIDE DEVELOPMENT PERMIT:

Consider approval of a Hillside Development Permit to allow concrete stairs to act as a trail above a storm drain located in Tech Ridge, southwest of 475 Donlee Drive for a project to be known as Tech Ridge Storm Drain. Case No. 2022-HS-002

BACKGROUND and RECOMMENDATION: On March 3, 2022, the City Council approved the hillside development permit to allow a storm drain and a pedestrian bridge to be installed in the Tech Ridge project directing staff to negotiate the type of improvements to go on top of the easement and return with an agreement. The applicant would like to put in concrete stairs over the storm drain to mitigate the scarring. The Planning Commission and Hillside Review Board recommended approval.

Link to presentation from Planner Carol Davidson, including discussion between Mayor Pro Tem Hughes, Ms. Davidson, Public Works Director Cameron Cutler, applicants Isaac Barlow and Craig Coats, City Councilmembers, and City Attorney Tani Downing: 01:32:50

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Link to motion: 01:50:15

MOTION:

A motion was made by Councilmember McArthur to approve the Hillside Development Permit to allow concrete stairs to act as a trail above a storm drain located in Tech Ridge, southwest of 475 Donlee Drive for a project to be known as Tech Ridge Storm Drain, with the conditions regarding a maintenance agreement, minus the gray/charcoal concrete, and adding an indemnification to the maintenance agreement.

SECOND:

The motion was seconded by Councilmember Larkin.

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VOTE:

Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for River Crossing Phase 2, a 2-lot commercial subdivision located at the southeast corner of George Washington Parkway and River Road.

BACKGROUND and RECOMMENDATION: The current general plan designation on this subdivision is Commercial, except for a small portion of PO (Professional Office) on the south end of the property below The Boulders development. In May of 2022 on the south half of the property a general plan amendment was approved to allow for a commercial land use designation, except for the most southern portion where a land use designation of PO (Professional Office) was approved. The current zoning on the north half of the property is zoned PD-C. This zoning was changed in 2015. The current zoning on the south half of the property is R-1-10. However, a zone change amendment is on the City Council agenda for this meeting to amend the zoning from R-1-10 to PD-C and PD-AP. If the zone change is approved, the proposed preliminary plat meets both the current general plan land use designation on the property and the proposed zoning. The Planning Commission recommended approval.

Link to presentation from Planner Carol Davidson: 01:51:24

Agenda Packet [Page 543]

Link to motion: 01:53:20

MOTION:

A motion was made by Councilmember Larkin to approve the preliminary plat for River Crossing Phase 2, a 2-lot commercial subdivision located at the southeast corner of George Washington Parkway and River Road.

SECOND:

The motion was seconded by Councilmember Larsen.

VOTE:

Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye

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Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

AMEND TITLE 10 OF CITY CODE/ORDINANCE:

Consider approval of an ordinance amending Title 10 of City code to add hobby garage units as a permitted with standards (PS) use in the Planned Development Commercial (PD-C) zone and to add the specific standards for this use. Case No. 2022-ZRA-003

BACKGROUND and RECOMMENDATION: This request is to add hobby garages as a permitted with standards use to the zoning regulations. At this time, our adopted zoning regulations do not address hobby garages as a use. However, we have approved hobby garages on two separate occasions in the past. In 2007, case 2007-ZC-026, was approved to allow hobby garages to go in at 2180 West 1800 North. In 2012, case 2012-ZC-019, was approved to allow hobby garages to go in the Sun River development off of Blue Grass Way. In both cases the approval was done through a planned development commercial zone change. A public hearing for this item was held on September 13, 2022. No comments were made. The Planning Commission recommended approval on September 27, 2022.

Link to presentation from Planner Carol Davidson, including discussion between applicant Ryan Thomas and Councilmember Larkin: 01:53:48

Agenda Packet [Page 557]

Link to motion: 02:00:00

MOTION:

A motion was made by Councilmember McArthur to approve the ordinance amending Title 10 of City code to add hobby garage units as a permitted with standards (PS) use in the Planned Development Commercial (PD-C) zone and to add the specific standards for this use.

SECOND:

The motion was seconded by Councilmember Larsen.

VOTE:

Mayor Pro Tem Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

DRAFT

APPOINTMENTS:

Appointments to Boards and Commissions of the City.

Link to Mayor Pro Tem Hughes recommending appointing Ginger Nelson, Karin Edwards, and Tara Griffith to the Arts Commission: 02:00:47

Link to motion: 02:01:39

MOTION:
A motion was made by Councilmember Larkin to appoint Ginger Nelson, Karin Edwards, and Tara Griffith to the Arts Commission.

SECOND:
The motion was seconded by Councilmember McArthur.

VOTE:
Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

APPOINT INTERIM CITY MANAGER:

Link to presentation from Mayor Pro Tem Hughes: 02:02:10

Link to motion: 02:02:46

MOTION:
A motion was made by Councilmember Larkin to appoint John Willis as the Interim City Manager, noting that the Mayor will be authorized to negotiate and execute a contract with Mr. Willis to effectuate the appointment.

SECOND:
The motion was seconded by Councilmember Larsen.

VOTE:
Mayor Pro Tem Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Link to reports from Councilmember Larsen: 02:03:42

DRAFT

Link to reports from Councilmember McArthur: 02:04:59

Link to reports from Mayor Pro Tem Hughes: 02:05:27

Link to reports from Councilmember Larkin: 02:07:30

Link to a statement from City Manager Adam Lenhard: 02:11:42

REQUEST A CLOSED SESSION:

Request a closed session to discuss litigation, property acquisition or sale or the character and professional competence or physical or mental health of an individual.

A closed session was not needed.

ADJOURN:

Link to motion: 02:18:32

MOTION:

A motion was made by Councilmember Larkin to adjourn.

_____

Annette Hansen, Deputy City Recorder

DRAFT

ST. GEORGE CITY COUNCIL MINUTES
WORK MEETING
OCTOBER 27, 2022, 4:00 P.M.
ADMINISTRATIVE CONFERENCE ROOM

PRESENT:

Mayor Michele Randall
Councilmember Dannielle Larkin – via Zoom
Councilmember Gregg McArthur
Councilmember Natalie Larsen – via Zoom
Councilmember Michelle Tanner – arrived 4:08 p.m.

EXCUSED:

Councilmember Jimmie Hughes
City Manager Adam Lenhard

STAFF MEMBERS PRESENT:

Community Development Director John Willis
Assistant City Manager Deanna Brklacich
Assistant City Manager Marc Mortensen
Government Affairs Director Shawn Guzman
City Attorney Tani Downing
Deputy City Attorney Jami Brackin
City Recorder Christina Fernandez
Assistant City Attorney Ryan Dooley – left following item 6
Assistant City Attorney Alicia Carlton – left following item 3
Leisure Services Director Shane Moore – left following item 8
Brian Jeppson – left following item 1
Bryan Dial – left following item 1
Nate Kirkland – left following item 1
Budget and Financial Planning Manager Robert Myers
Airport Manager Rich Stehmeier – left following item 2
Economic Vitality and Housing Director Shirlayne Quayle
Administrative Services Director Trevor Coombs
Finance Manager Tiffany LaJoice – left following item 1
City Treasurer Laura Woolsey – arrived at 4:20, left following item 1
Rachel Littlefield – left following item 1
Nikki Heaton – left following item 1
Planner Carol Davidson – left following item 6
Energy Services Director Laurie Mangun – left following item 1
Water Services Director Scott Taylor
Park Planning Manager Paul Stead – left following item 8

OTHERS PRESENT:

Scott Freeman with Freeman Holdings Group
Carl Ernst with Freeman Holdings Group
Walt Fredrick with Freeman Holdings Group

CALL TO ORDER, INVOCATION, AND FLAG SALUTE:

Mayor Randall called the meeting to order and welcomed all in attendance. The invocation was offered by Laura Fairchild with the Baha'I Faith and The Pledge of Allegiance to the Flag was led by Councilmember McArthur.

DRAFT

Link to call to order, invocation, and flag salute: 00:00:00 [Recording 1]

Link to comments from Mayor Randall regarding work meetings and comments: 00:02:14 [Recording 1]

DISCUSSION REGARDING ENERGY EMERGENCIES AND ENERGY COSTS:

Link to introduction from Community Development Director John Willis and presentation from Energy Services Director Laurie Mangun, including discussion between City staff, Mayor Randall, and City Councilmembers: 00:02:43 [Recording 1]

Agenda Packet [Page 4]

PRESENTATION FROM MILLION AIR REGARDING FIXED BASE OPERATIONS AT THE ST. GEORGE REGIONAL AIRPORT:

Link to introduction from Community Development Director John Willis and presentation from Scott Freeman, Carl Ernst, and Walt Fredrick with Freeman Holdings Group, including discussion with City staff: 00:34:04 [Recording 1]

Agenda Packet [Page 18]

DISCUSSION REGARDING INSURANCE LEVELS FOR CONTRACTS WITH THE CITY:

Link to introduction from Community Development Director John Willis and presentation from Assistant City Attorney Alicia Carlton, including discussion between City staff and City Councilmembers: 00:57:40 [Recording 1]

Agenda Packet [Page 37]

DISCUSSION REGARDING ORDINANCE PERTAINING TO MOBILE BUSINESSES:

Link to introduction from Community Development Director John Willis and presentation from Planner Carol Davidson, including discussion between City staff, City Councilmembers, and Mayor Randall: 01:09:40 [Recording 1]

Agenda Packet [Page 38]

DISCUSSION REGARDING TRAILER LENGTHS FOR HOME OCCUPATION BUSINESSES:

Link to introduction from Community Development Director John Willis and presentation from Planner Carol Davidson, including discussion between City staff, City Councilmembers, and Mayor Randall: 01:40:04 [Recording 1]

Agenda Packet [Page 56]

Mayor Randall called for a short recess.

DISCUSSION REGARDING THE BLOOMINGTON HILLS PARK PLAYGROUND:

Link to presentation from Leisure Services Director Shane Moore, including discussion between Mayor Randall, City staff, and City Councilmembers, and comments from residents Ty Patterson and Tom Daniels: 00:00:00 [Recording 2]

DRAFT

Agenda Packet [Page 62]

DISCUSSION REGARDING BASIC PARK STANDARDS:

Link to introduction from Leisure Services Director Shane Moore and presentation from Park Planning Manager Paul Stead, including discussion between City staff, City Councilmembers, and Mayor Randall: 00:08:42 [Recording 2]

Agenda Packet [Page 63]

DISCUSSION REGARDING RENAMING LEISURE SERVICES:

Link to presentation from Leisure Services Director Shane Moore, including discussion between City staff, City Councilmembers, and Mayor Randall: 00:25:10 [Recording 2]

Mayor Randall called for a short recess.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Link to reports from Councilmember Larkin: 00:00:00 [Recording 3]

Link to reports from Councilmember McArthur: 00:01:39 [Recording 3]

Link to reports from Mayor Randall: 00:02:07 [Recording 3]

ADJOURN TO A CLOSED SESSION:

Request a closed session to discuss litigation, property acquisition or sale or the character and professional competence or physical or mental health of an individual.

Link to motion: 00:04:54 [Recording 3]

MOTION:

A motion was made by Councilmember McArthur to adjourn to a closed session to discuss possible litigation.

SECOND:

The motion was seconded by Councilmember Tanner.

VOTE:

Mayor Randall called for a vote, as follows:

Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

ADJOURN:

The meeting was adjourned following the closed meeting.

DRAFT

MOTION:
A motion was made by Councilmember McArthur to adjourn.
SECOND:
The motion was seconded by Councilmember Larsen.
VOTE:
Mayor Randall called for a vote, as follows:

Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Larsen – aye
Councilmember Tanner – aye

The vote was unanimous and the motion carried.

_____
Christina Fernandez, City Recorder

DRAFT

Agenda Date: 11/03/2022 **Agenda Item Number:** 06

Subject:

Consider approval of an ordinance amending the Desert Color Planned Development (PD) zone for previously approved 42 multi-family units to be known as Visionary Sage Haven Phases 10 & 11 on approximately 3.28 acres located generally at intersection of Jasper Ridge Drive & Owen Drive. Case No. 2022-ZCA-036

Item at-a-glance:

Staff Contact: Dan Boles

Applicant Name: Bob Hermandson

Reference Number: 2022-ZCA-036

Address/Location:

Intersection of Jasper Ridge Drive & Owen Drive

Item History (background/project status/public process):

Since the time that these units were approved in February of 2021, the master developer has been constructing infrastructure and building has commenced on the property. In that time, the builders of the subject building have decided that they would like to modify the elevations of their townhomes.

Staff Narrative (need/purpose):

The applicant has proposed the new elevations which are attached to the staff report. The builder is ready to start pulling permits in this area but with the change in elevation, needs to go through the PD amendment process. There will be no change to the footprints per Desert Colors request, but the update will provide more variation throughout the faade. Though the change in elevations is not dramatic, there are enough changes to warrant a review.

Name of Legal Dept approver: Jami Brackin

Budget Impact: No Impact

Recommendation (Include any conditions):

Planning Commission held a public hearing on October 18, 2022 and is forwarding a positive recommendation with a 6-0 vote.

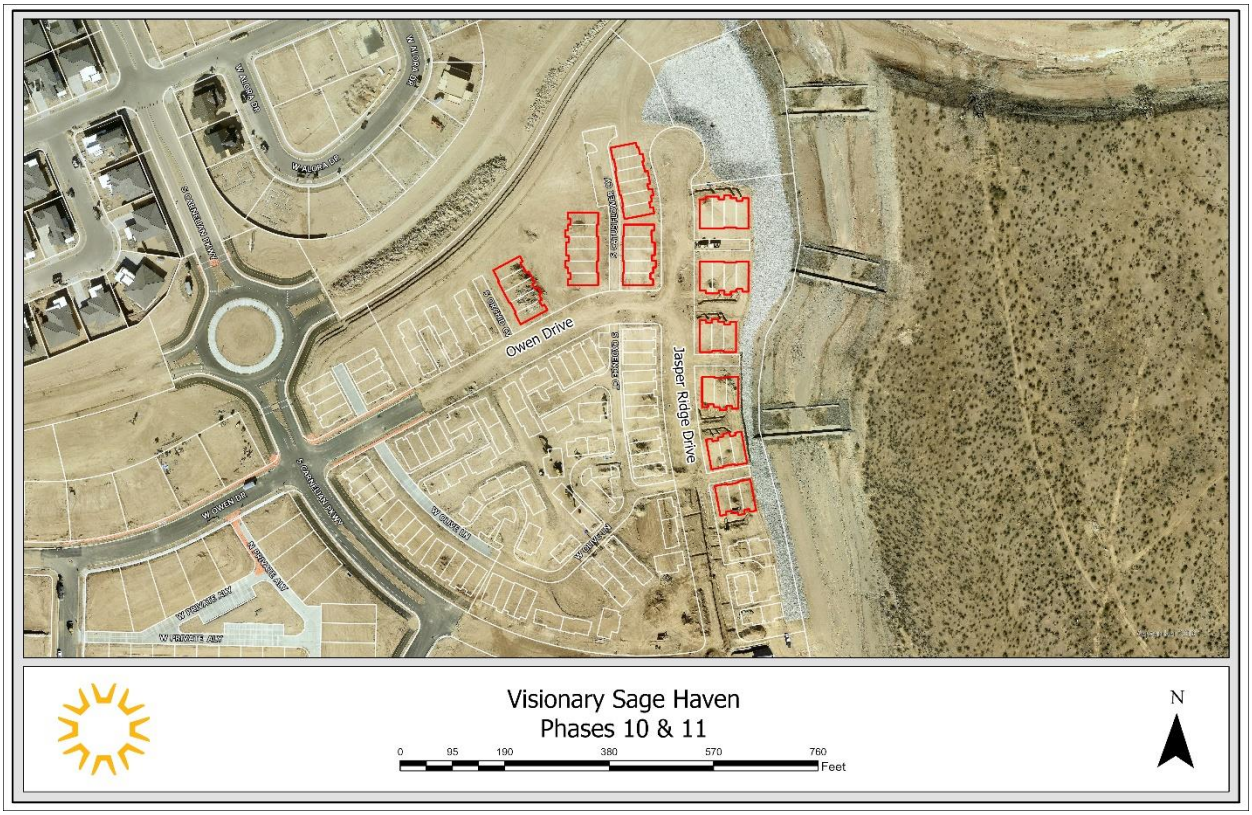
St.George
Community Development

ZONE CHANGE AMENDMENT

PLANNING COMMISSION AGENDA REPORT: 10/18/2022
CITY COUNCIL AGENDA REPORT: 11/03/2022

Zone Change Amendment
Visionary Sage Haven Phases 10 & 11
Case No. 2022-ZCA-043

Request:	Consider a Zone Change Amendment to the Desert Color PD-R, specifically phases 10 & 11 of the Sage Haven at Desert Color in order to change the elevation of ten of the approved buildings (affecting 42 units).
Applicant:	Desert Color St. George, LLC
Representative:	Bob Hermandson
Area:	Approximately 3.28 Acres
Location:	Intersection of Jasper Ridge Drive & Owen Drive
Current Zone:	PD-R - TNZ-Resort (Planned Development Residential, Traditional Neighborhood Zone – Resort)
General Plan:	RES (Residential), OS (Open Space)



Background:
The Desert Color development was approved in 2018 with Sage Haven approved in February of 2021. At that time, the builder of the subject buildings had not designed their product and received approval of their elevations in May of 2021. Since that time, Sage Haven has been under construction and has recently started building out. The builder of these units would now like to update their elevations on the pads identified in this staff report.

The builder is ready to start pulling permits in this area but with the change in elevation, needs to go through the PD amendment process. There will be no change to the footprints per Desert Color's request, but the update will provide more variation throughout the façade. Though the change in elevations is not dramatic, there are enough changes to warrant a review. The following table compares some of the changes from what was approved to the proposed elevations.

	Approved	Proposed
Height	34'5"	32'5" / 28'1"
Footprint (four plex)	Approx. 4,664 sq ft	Approx. 4,664 sq ft
Parking (Phases 10 & 11)	117 required 122 provided (garages, driveways & surface)	117 required 122 provided (garages, driveways & surface)
Materials	Hardiboard Lap Siding, Stucco, Stone, Tile Roof	Hardiboard Lap Siding, Stucco, Masonry, Tile Roof

As previously stated, the footprint of the building is proposed to remain unchanged from the approved footprint. There are two elevations being proposed: a cottage elevation and a Desert Territorial elevation (in keeping with the Desert Color zone plan). The approved elevations would stand at 34'5" tall. The proposed cottage elevation is proposed to be 32'5" tall and the proposed desert territorial elevation would be 28'1" tall.

The development standards for TNZ-Resort zones are as follows:

1. **Parking.** The parking requirements for Desert Color vary depending on the number of bedrooms with a maximum requirement of two spaces per unit. Each of these units is required two stalls which they will provide in the garage and in some cases, the addition of the driveways. Additionally, guest parking is being exceeded in these two phases by five stalls.

2. **Building and Streetscapes.** These guidelines apply to all buildings but in this case, we are only reviewing the changes in certain buildings (see presentation for site details).
   a. **Guideline A.** Each building that is greater than one story must have a clear delineation between the levels. The proposed building delineates the floor boundaries. The building is also required to use high quality materials such as brick, stone, stucco, cement clapboard siding or similar materials. The proposed building satisfies this guideline by the use of stucco, stone, lap siding and metal accents.

b. **Guideline B.** No building can be twice the height of the building adjacent to it or across the street. The adjacent buildings are designed at approximately the same height. Phases 10 and 11 are all multi-family units just like the proposed buildings. The proposed buildings will be 28'-32' in height thus meeting this requirement.
c. **Guideline C.** All of the proposed units are required to have a prominent entryway through the use of a porch, stoop or similar feature. The units will have a raised entryway such as a stoop or similar feature. Each entryway is clearly defined.
d. **Guideline D.** The streetscape will be required to adhere to Section 3.2, Local and Collector Street Cross Section standards found in the Desert Color Zoning Plan. This was approved during the approval of Sage Haven.
e. **Guideline E.** Walls and Fencing. Walls and fencing are not proposed at this time.
f. **Guideline F.** The applicant is not proposing any accessory structures with this application.
g. **Guideline G.** The landscape standards require a 15' wide landscape strip along the right-of-way of any property facing a public street unless it is occupied by a building, driveway, etc. City code requires that five years after planting, all landscape areas are at least 50% covered with foliage of shrubs, grass and live-vegetative ground cover. This requirement was reviewed with Sage Haven site plan.

PC Recommendation:
The Planning Commission held a public hearing on October 18, 2022, and recommends approval of this PD Amendment with a 6-0 vote, with the following comments and conditions:

1. All units will meet the required parking standards whether on street or on site.

Alternatives:

1. Approve as presented.
2. Approve with conditions.
3. Deny the application.
4. Continue the proposed zone change amendment to another date.

Possible Motion:
"I move that we approve the zone change amendment for the Visionary Sage Haven phases 10 & 11as presented, case no. 2022-ZCA-043, based on the findings listed in the staff report."

Findings for Approval:

1. The proposed amendment meets the requirements of the Desert Color zoning plan as approved by City Council.
2. There will be adequate parking to facilitate the development.

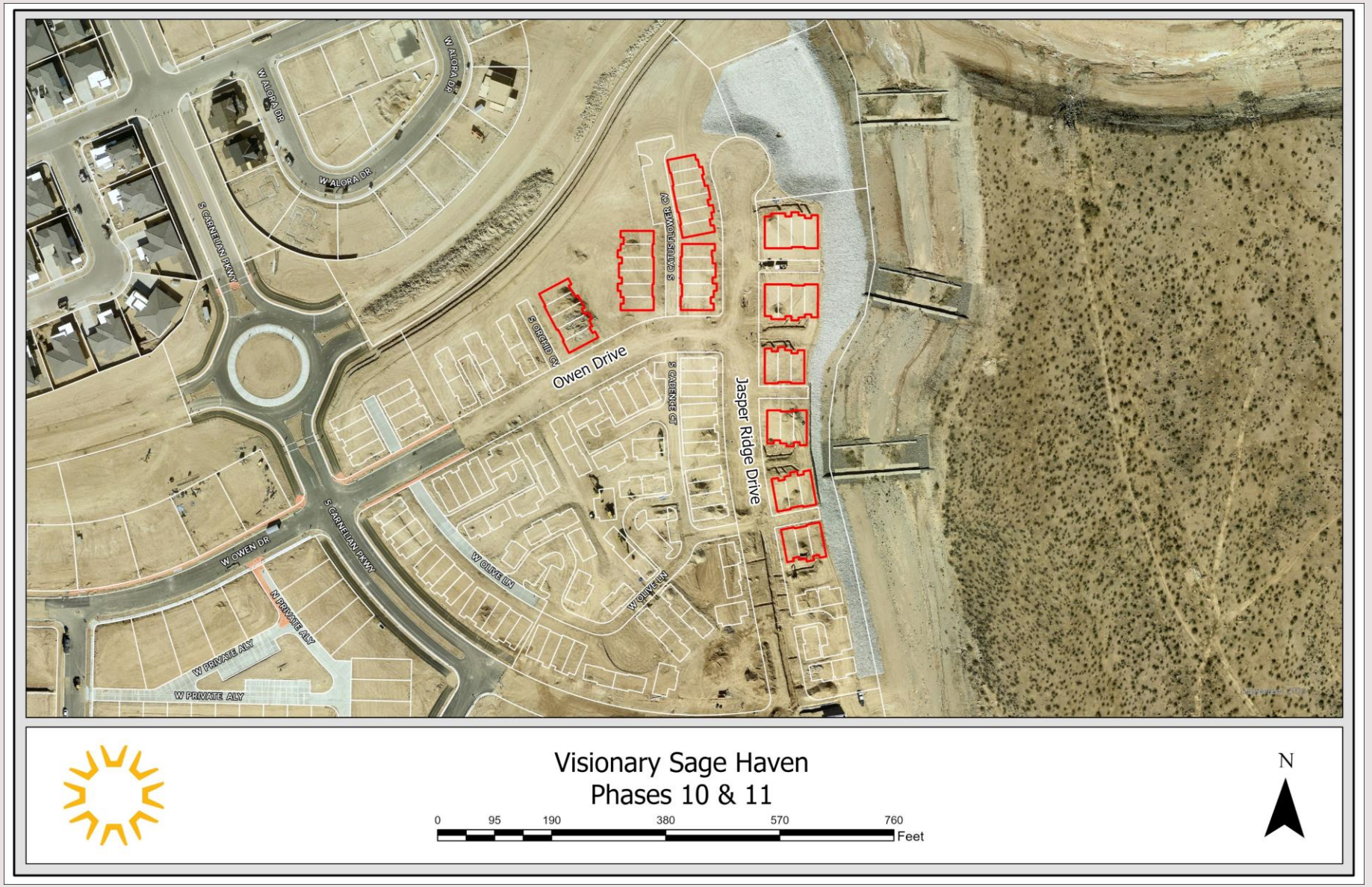
EXHIBIT A
POWERPOINT PRESENTATION



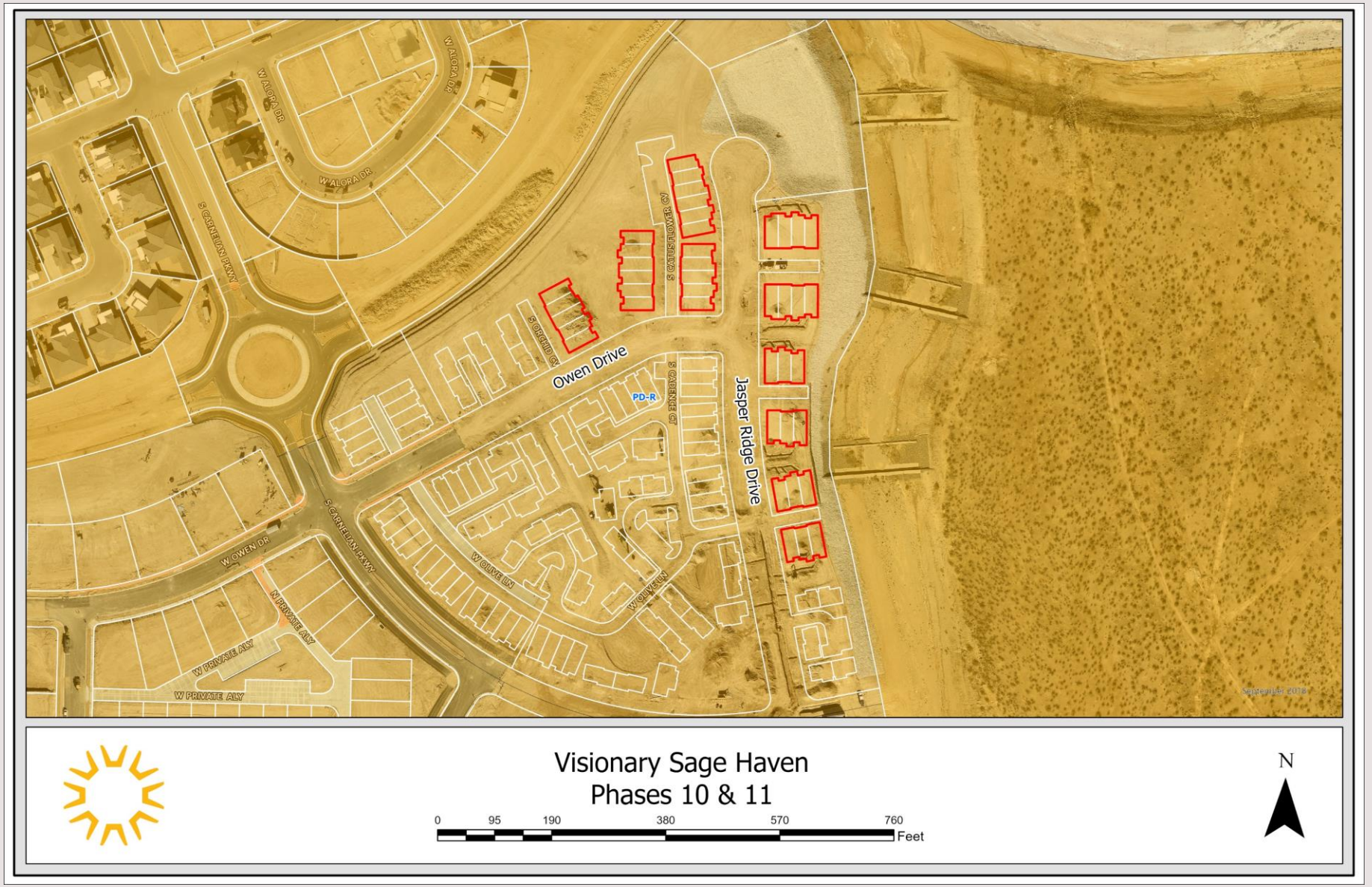
Visionary Sage Haven
Phases 10 & 11

2022-ZCA-043

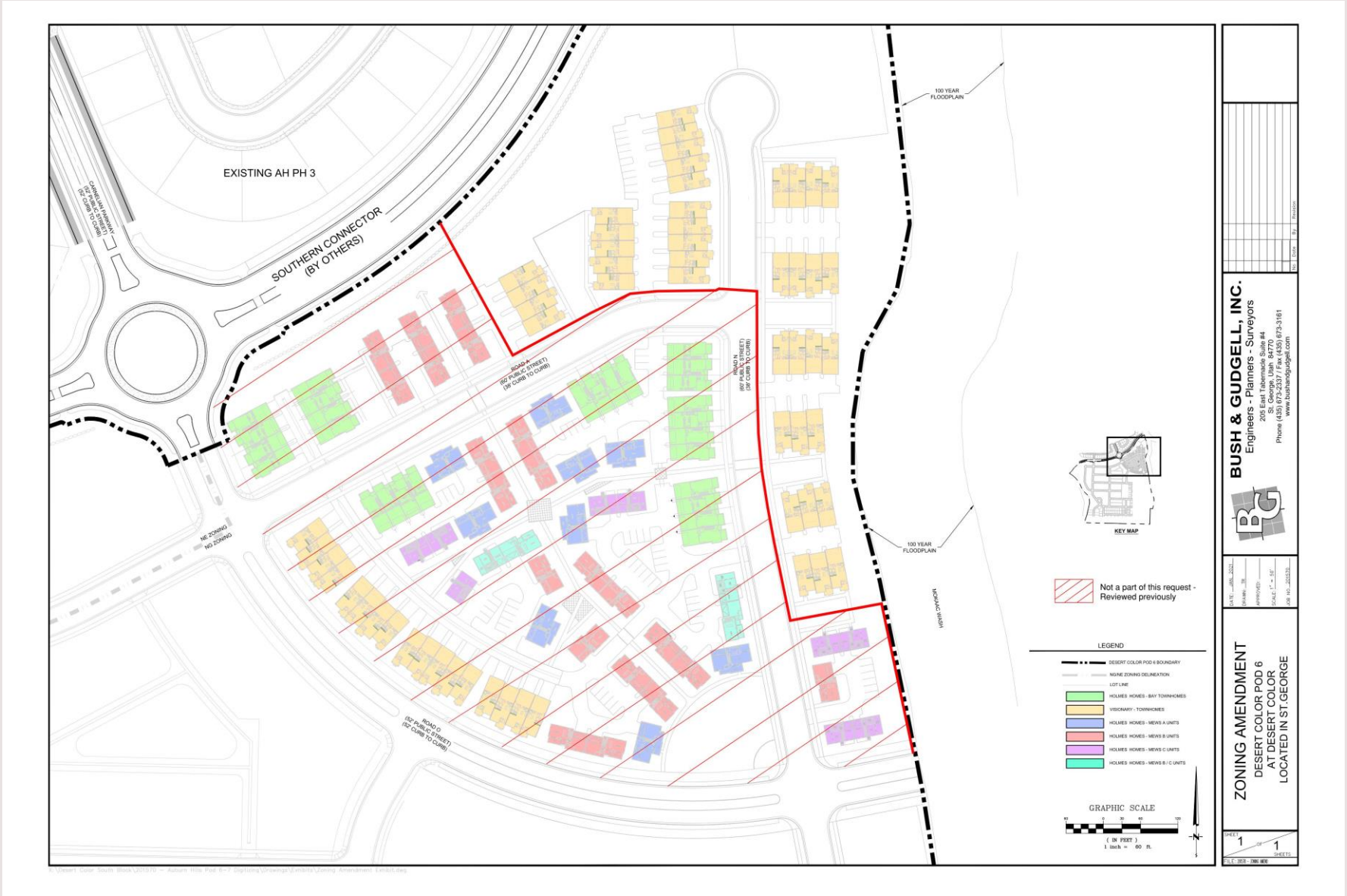
Aerial Map


W ALORA DR
W ALORA DR
W ALORA DR
S CARNELIAN PKWY
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S TURQUOISE CV
Owen Drive
S GARNET CT
Jasper Ridge Drive
W OWEN DR
S CARNELIAN PKWY
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Visionary Sage Haven
Phases 10 & 11
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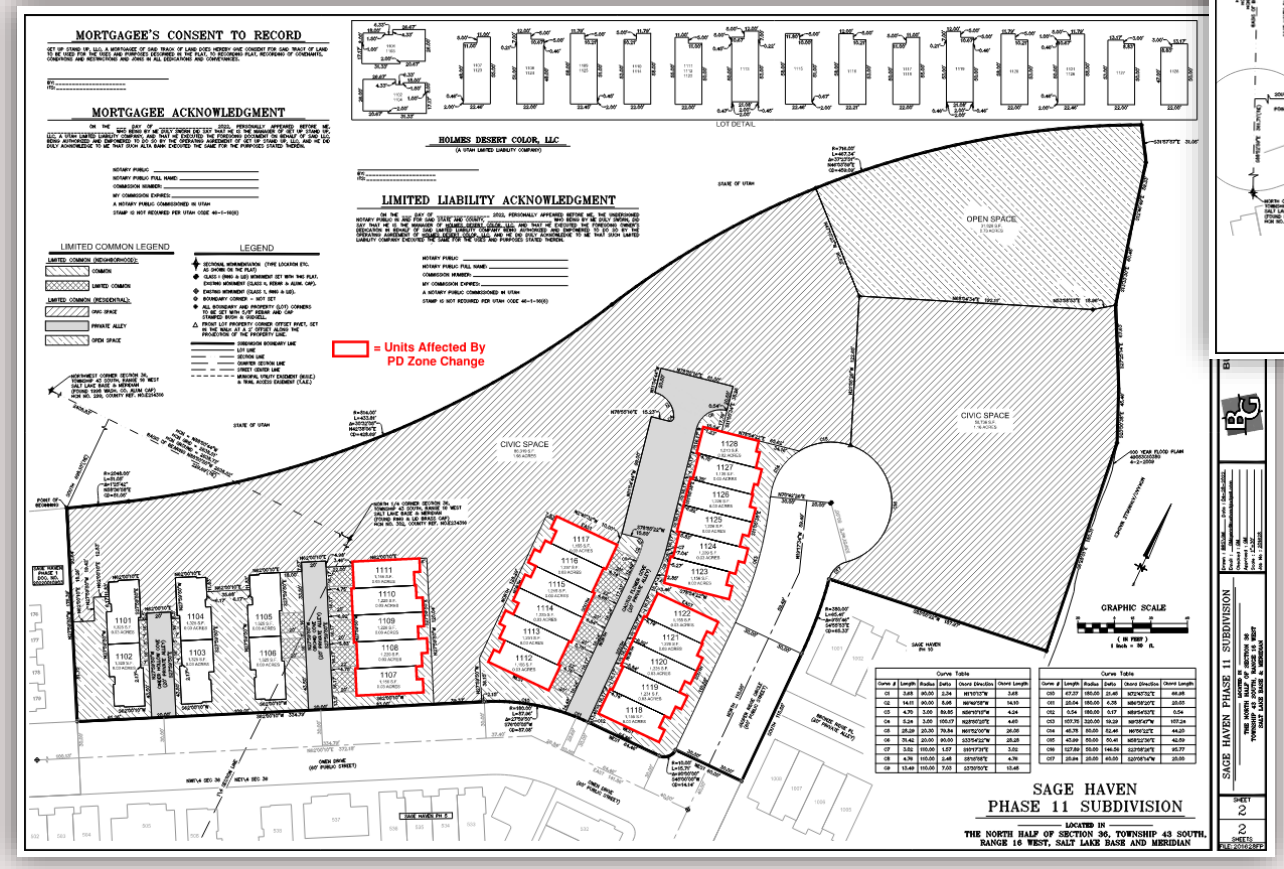
Zoning Map

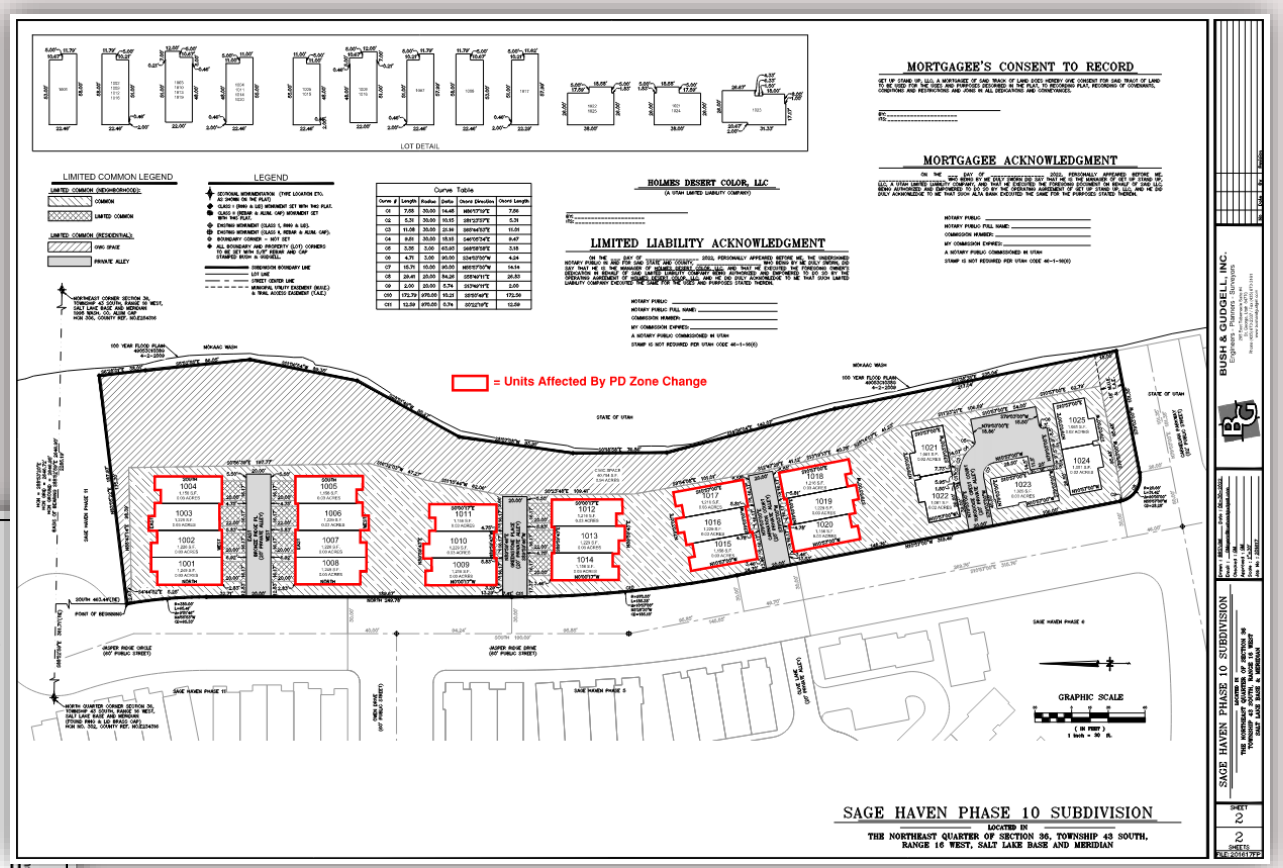

W ALORA DR
W ALORA DR
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Owen Drive
PD-R
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Jasper Ridge Drive
W OWEN DR
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N PRIVATE ALY
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Visionary Sage Haven
Phases 10 & 11
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Site Plan


EXISTING AH PH 3
SOUTHERN CONNECTOR
(BY OTHERS)
100 YEAR
FLOODPLAIN
ROAD A
(82' PUBLIC STREET)
(28' CURB TO CURB)
ROAD N
(60' PUBLIC STREET)
(28' CURB TO CURB)
ROAD O
(52' PUBLIC STREET)
(32' CURB TO CURB)
NE ZONING
NG ZONING
KEY MAP
Not a part of this request -
Reviewed previously
LEGEND
DESERT COLOR POD 6 BOUNDARY
NG/NE ZONING DELINEATION
LOT LINE
HOLMES HOMES - BAY TOWNHOMES
VISIONARY - TOWNHOMES
HOLMES HOMES - MEWS A UNITS
HOLMES HOMES - MEWS B UNITS
HOLMES HOMES - MEWS C UNITS
HOLMES HOMES - MEWS B / C UNITS
GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.
BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors
205 East Tabernacle Suite #4
St. George, Utah 84770
Phone (435) 673-3161
www.bushandgudgell.com
ZONING AMENDMENT
DESERT COLOR POD 6
AT DESERT COLOR
LOCATED IN ST.GEORGE
SHEET 1 OF 1 SHEETS

Final Plats/Footprints





Approved Elevations





Proposed Desert Territorial Elevation



Proposed
Cottage Elevation



Desert Territorial Renderings









Cottage Renderings









ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY ZONING MAP BY AMENDING THE EXISTING DESERT COLOR PLANNED DEVELOPMENT RESIDENTIAL (PDR) ZONE ON APPROXIMATELY 3.28 ACRES TO APPROVE AN ELEVATION CHANGE IN SAGE HAVEN PHASES 10 & 11 OF THE DESERT COLOR DEVELOPMENT WITH ELEVATIONS.

(Sage Haven Phases 10 & 11 Plan Amendment)

WHEREAS, the property owner has requested an amendment to the PD-R zone on approximately 3.28 acres, to approve amendment to the approved elevations on ten building sites in phases 10 & 11 of Sage Haven at Desert Color. The site is located generally at Jasper Ridge Drive & Owen Drive; and

WHEREAS, the City Council held a public meeting on this request on November 3, 2022; and

WHEREAS, the Planning Commission held a public hearing on October 18, 2022, and thereafter forwarded a recommendation for approval of the requested amendments to the City Council; and

WHEREAS, the City Council has determined that the requested zone change amendment to the Zoning Map is consistent with the goals and objectives of the General Plan, consistent with the approved master plan, does not create an undue burden or hardship on the City, 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. The City Zoning Map is hereby ordered to be changed to reflect the amendment to the Planned Development Residential (PD-R) zone on 3.28 acres. The zone change amendment and location are more specifically described on the attached property legal description, incorporated herein as Exhibit "A." The project must comply with all conditions, requirements, and restrictions as approved by City Council.

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 on the date executed below, and upon publication and/or posting in the manner required by law.

APPROVED AND ADOPTED by the St. George City Council, this 3rd day of November 2022.

CITY OF ST. GEORGE:

_____
Michele Randall, Mayor

ATTEST:

_____
Christina Fernandez, City Recorder

APPROVED AS TO FORM:
City Attorney's Office

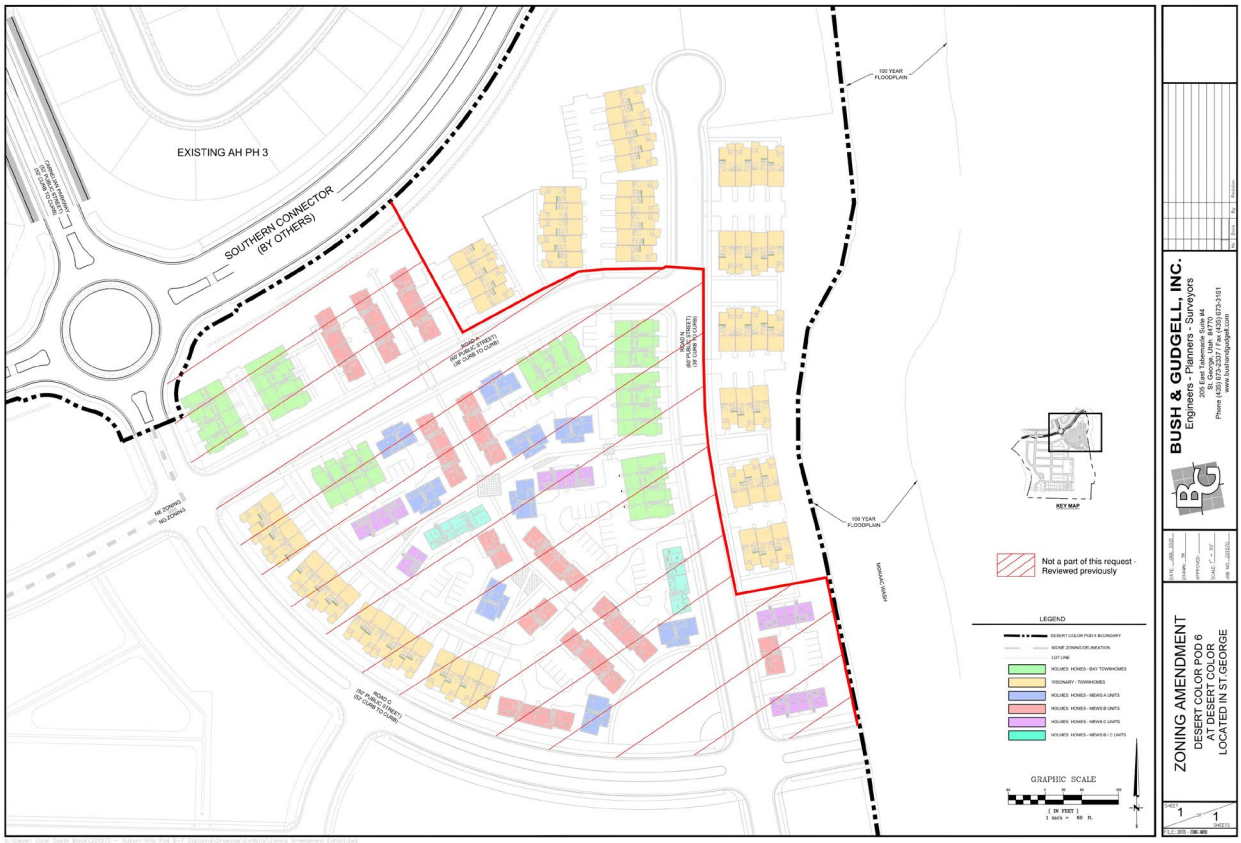
_____
Jami R. Brackin, Deputy City Attorney

VOTING OF CITY COUNCIL:

Councilmember Hughes _____
Councilmember McArthur _____
Councilmember Larkin _____
Councilmember Larsen _____
Councilmember Tanner _____

EXHIBIT "A"

Sage Haven at Desert Color Phases 10 & 11



Agenda Date: 11/03/2022 **Agenda Item Number:** 07

Subject:

Consider approval of a conditional use permit to add eight (8) additional units to the existing development to be known as Dixie Center Townhomes on approximately 1.54 acres located at approximately 850 East 600 South. Case No. 2022-CUP-007

Item at-a-glance:

Staff Contact: Dan Boles

Applicant Name: Horizon Homes

Reference Number: 2022-CUP-007

Address/Location:

Approximately 850 East 600 South

Item History (background/project status/public process):

On June 3, 2021, the City Council approved this conditional use permit that would allow the developer to complete this project. If permits have not been granted or construction drawings havent been approved within a year, approvals expire. The applicant has been working towards approval of their construction drawings but came up short and the approvals expired.

Staff Narrative (need/purpose):

The proposed site plan depicts two new buildings. One will be a duplex and the other will be a six plex for a total of eight (8) new units. This will bring the total number of units to 20 which is the maximum number of units a 1.54-acre site can accommodate in the R3 zone. Once a site reaches 20 units, a conditional use permit becomes necessary. Again, this site was approved last year. This reapproval has no changes to that plan, it just becomes necessary as the one year time frame ran out.

Name of Legal Dept approver: Jami Brackin

Budget Impact: No Impact

Recommendation (Include any conditions):

On October 25, 2022, Planning Commission held a public meeting and is now forwarding a positive recommendation with a 5-0 vote.

St.George
Community Development

Conditional Use Permit

PLANNING COMMISSION AGENDA REPORT: **10/25/2022**
CITY COUNCIL AGENDA REPORT: **11/03/2022**

CONDITIONAL USE PERMIT (REAPPROVAL)
Dixie Center Townhomes
Case # 2022-CUP-007

Request: Consider reapproval of a conditional use permit (CUP) to finish the Dixie Center Townhomes site. Title 10-7C-1 requires "multiple-family over 20 dwelling units or 12 du/ac" to obtain a conditional use permit. This application meets both of those thresholds.

Update: On June 3, 2021, the City Council approved this conditional use permit that would allow the developer to complete this project (see details below). If permits have not been granted or construction drawings haven't been approved within a year, approvals expire. The applicant has been working towards approval of their construction drawings but came up short and the approvals expired. No changes have been made with this reapproval.

Location: The site is located at 850 East 600 South

Applicant: Horizon Homes

Representative: Jared Bates (Rosenberg Associates)

Zoning: R-3 (Residential Multi-family)

General Plan: HDR (High Density Residential)

Site: The site currently consists of three multi-family buildings and a total of twelve (12) units.

Proposed Bldgs: The proposed site plan depicts two new buildings. One will be a duplex and the other will be a six plex for a total of eight (8) new units. This will bring the total number of units to 20 which is the maximum number of units a 1.54-acre site can accommodate in the R3 zone.

The buildings are proposed to be 25'4" tall which meets code for the R-3 zone. The applicant has stated that these buildings will be for rent and not for sale.

Parking: With twenty (20) units on the site, and at a rate of two parking stalls per unit, the site is required to have 40 stalls total (half of which need to be covered).

In addition to resident parking, the site will require seven (7) stalls for guest parking. The site has been designed with 47 stalls, twenty (20) of which will need to be covered to meet the requirements of the code.

Setbacks: Staff will verify setbacks during the SPR process, but the plan appears to be meeting and exceeding requirements. The applicant has also made sure that the rear setback meets the distance requirements from a power line that runs adjacent to the I-15 corridor as conditioned on the original approval.

Amenities: The site is required to have 4,000 sq ft of amenity area. The site is depicting 5,780 square feet. In addition, one amenity is required. The applicant has chosen to provide a playground area to fulfill that requirement. Additionally, the boundary along I-15 will be separated by a six-foot block wall. The site is required to also have 30% landscaping and 50% of the front yard is to be vegetation. Staff will confirm that they are meeting this requirement at site plan stage, but it appears that they are.

Review criteria (10-17B-3): In reviewing an application for a conditional use permit, the land use authority shall consider whether the application:

Item to Review:	**Staff Comments**
Identifies the maximum intensity of the proposed development and use;	Yes
Complies with all provisions of the code;	Yes (see also narrative)
Compared to permitted development and uses within the zone, substantially mitigates the adverse impacts that are reasonably anticipated from the magnitude and intensity of the development and use, as proposed, considering:	
The size and location of the site;	Overall project comprises approximately 1.54 acres.
Traffic generation, timing and nature of traffic impacts and the existing condition and capacity of the streets in the area;	The addition of eight new dwelling units is not anticipated to create a significant impact on traffic, etc.
Utility demand and available capacity, including storm water retention;	Project must comply with ordinance; items will be further reviewed during the SPR/JUC process.
Emergency vehicle access and anticipated average and peak day demand;	Project to comply with applicable ordinances

Location and amount of off-street parking;	47 spaces All parking appears to comply with ordinance and will be further reviewed during the SPR process.
Internal vehicular and pedestrian circulation system, including delivery vehicles, loading and unloading;	Project must comply with ordinance; items will be further reviewed during the SPR process.
Fencing, screening, and landscaping to separate the conditional use from adjoining property and uses;	Project must comply with ordinance; items will be further reviewed during the SPR process but a new fence will be provided adjacent to I-15.
Building mass, bulk, design and orientation, and the location of buildings on the site including orientation to buildings on adjoining lots or parcels;	See conceptual site plan and elevations.
Usable open space;	Project must comply with ordinance; will be further reviewed during the SPR process but does appear to comply with zoning regulations.
Signs and lighting;	Must comply with code and will further be reviewed during the sign permit application process.
Physical design and compatibility with surrounding structures in terms of mass, scale, style, design, and architectural detailing;	See comments in the body of the staff report.
Noise, vibration, odors, steam, or other factors that might adversely affect people and property on-site and off-site;	Not expected to generate noise, vibrations, odors, or other undesirable or adverse effects.
Control of delivery and service vehicles, loading and unloading zones;	N/A
Generation and screening of trash, and automated garbage collection (dumpsters);	Project must comply with ordinance; items will be further reviewed during the SPR process.
Recycling program and pickup areas;	Project must comply with ordinance; items will be further reviewed during the SPR process.
The potential adverse impacts arising from the conduct of patrons, guest, employees, occupants, or their affiliates;	N/A
Within and adjoining the site, the	N/A

impacts of the use on public property and environmentally sensitive lands;	
Hours of operation, delivery and use;	N/A
Special hazards arising from the use, or from its reasonably anticipated secondary effects, including its potential to attract criminal behavior; and	N/A
Demand for public infrastructure or services.	Project must comply with ordinance; items will be further reviewed during the SPR process.

Conditional use permit standards (10-17B-4):

Upon review and consideration of the criteria identified in section 10-17B-1 and 10-17B-3, compared to the impacts of allowed uses in the zone, the proposal shall:

A. Be compatible in use, scale and design with allowed uses in the zone; and

B. Not compromise the health, safety, or welfare of:
   a. Persons employed within or using the proposed development;
   b. Those residing or working in the vicinity of the proposed use or development;
   c. Property or improvements in the vicinity of the proposed use or development; or
   d. Not imposed disproportionate burdens on the citizens of the city.

C. The land use authority shall issue a conditional use permit, if the applicant has proposed, or if the land use authority can propose, conditions of approval to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards and criteria herein. The conditional use permit shall describe the scope of the permit, and the conditions of approval.

Requirements for Specific Conditional Use Permits (10-17B-9A):

A multiple-family development with twenty (20) or more total dwelling units, or with a density of twelve (12) dwelling units per acre or more, shall meet the following additional standards, and shall be approved by the city council:

Additional Standards	**Staff Comments**
Applicants shall submit a site plan, materials board, and elevation drawings showing the project's overall design plan, including landscaping and proposed building exteriors.	The site plan and elevations have been submitted. Again, staff would like to see some additional articulation and materials used on the building and have spoken to the

	representative regarding updating the elevations. We are hoping to have updated elevations for the meeting. They are proposing to match what is already constructed on the site.
All elevations shall have an aesthetic variation of materials and colors, design articulation, and architectural relief.	See above.
Upon staff evaluation and recommendation, the city council shall review the design plans to determine whether the proposed development will be compatible with the character of adjacent and surrounding developments, and whether aesthetically the development is harmonious with the character of the neighborhood in terms of style, materials and colors.	See above.

PC Recommendation: The Planning Commission held a public hearing on October 25, 2022 and forwards a positive recommendation to the City Council on the re-approval of the proposed conditional use permit with a 5-0 vote.

Alternatives:

1. Approve as presented.
2. Approve with conditions.
3. Deny the application.
4. Continue the proposed zone change amendment to another date.

Possible Motion: "I move that we approve the conditional use permit for the Dixie Center Townhomes as presented, case no. 2022-CUP-007, based on the findings listed in the staff report."

Katherine Kent

600 So 800 E St George UT/Rental corner

October 20, 2022

Dan Boles, AICP Senior Planner

daniel.boles@sgcity.org

Dear Daniel,

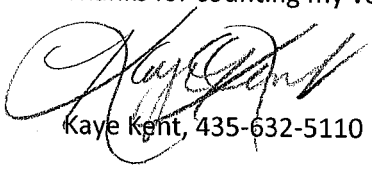
RE: proposed conditional use permit at 850 E 600 S St. George UT/your letter 10/14/22 gets a big Vote of "NO" from me and my tenants who have to deal with the lack of parking in the area.

When I opened your letter, I was expecting something to do with the proposed idiotic 700 S off ramp. Supposedly needed to help traffic in the area, which it can't possibly help because of the lack of surface streets. Instead, I see the City wants to let more high density housing into an area that is already over crowded - AND, with inadequate parking anywhere. I have had to have the students cars towed from blocking my driveway, because the units just south of mine have such limited parking. Three students per bedroom and not even parking for 1 car per bedroom. It's a daily mess around there.

I suggest that if you even remotely entertain another bunch of units that it require minimal two parking spots on their property for each bedroom in each unit. My vote is a "NO" for allowing any more housing to go into this area - that, by the way may be plowed under for freeway nonsense in the near future. The freeway money should be spent to add one more lane of travel traffic, not more off ramps to dump into a city that has limited surface streets to travel and horrible parking arrangements almost everywhere.

If you would tear down the church on 400 S at the university and add a high rise parking complex, that would certainly make more sense than anything that has been proposed thus far. The off ramp could dump off there with a famous round a-bout and the UT people would have parking and access to the freeway after classes and events. I'm sure there are more than enough churches in the area to accommodate their meetings, creatively.

Thanks for counting my vote



Kaye Kent, 435-632-5110

St.George
Community Development

October 14, 2022

Dear Property Owner within 300' of a proposed conditional use permit,

The City of St. George has received a request to consider a conditional use permit to allow eight additional townhomes in the development. The project is located at 850 East 600 South. The applicant is Horizon Homes and the representative is Jared Bates. The project will be known as Dixie Center Townhomes. Case No. 2022-CUP-007

Public Notice is hereby given that the Planning Commission of the City of St. George, Washington County, Utah, will hold a regular meeting at the St. George City offices located at 175 East 200 North, St. George, Utah on **Tuesday, October 25, 2022** commencing at **5:00 pm**.

These meetings are open to the public and you are cordially invited to attend, however any opinions regarding this matter must be submitted in writing at least one day prior to the meeting. There will not be an opportunity for public comment at the meeting. Your written comments can be sent to: Community Development Department, City of St George, 175 E. 200 N. St. George, UT 84770, or can be emailed to the staff member below.

Sincerely,

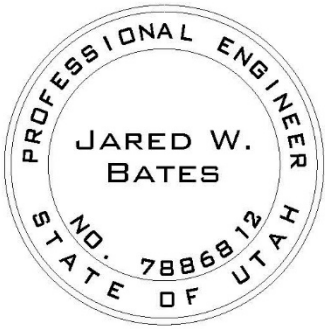
Dan Boles, AICP Senior Planner
435-627-4131
daniel.boles@sgcity.org

REASONABLE ACCOMMODATION: The City of St. George will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact the City Human Resource Office, (435) 627-4671, at least 24 hours in advance if you have special needs.

Narrative

ROSENBERG ASSOCIATES™
CIVIL ENGINEERS LAND SURVEYORS

TECHNICAL MEMORANDUM



Date: October 3, 2022

Subject: **Project Narrative for CUP Application**
Dixie Center Townhomes
St. George, Utah

Introduction

Rosenberg Associates, acting as agent for Horizon Homes, has prepared this project narrative in support of a Conditional Use Permit Application for the proposed Dixie Center Townhomes expansion located on 600 S street adjacent to Intestate 15 in St. George, Utah. The proposed project includes construction of 8 additional townhome units, parking and access improvements, utility and drainage improvements, and construction of amenity areas. The proposed additional units are intended for family residential use and will match the style of the existing townhome units. Project improvements will comply with all applicable codes and regulations, including ADA requirements, International Building Code, and City of St. George Building and Zoning Ordinances.

Project Location

The proposed Dixie Center Townhomes expansion is located within parcels SG-758-A, SG-755-B, and the Dixie Center Townhomes Common Area. These three parcels will be combined into a single 1.54 acre parcel as part of this project. The project area is bounded by 600 S to the north, existing apartments to the west, and Interstate 15 frontage to the south and east.

Project Impacts

The proposed project improvements include additional parking spaces, ADA accessible parking and sidewalk improvements, and creation of a second project access by removing the existing block wall located south of the existing northwest covered parking area. A 6' block privacy wall will be placed along the east property boundary along I-15. The additional housing units and parking spaces will result in a slight increase in traffic entering and exiting from 600 S, however, the traffic impacts are expected to be minimal due to the additional project access and the low traffic loads of the existing street. Emergency vehicle access will also be improved due to the construction of the additional project entrance. No adverse impacts due to noise or increased activity are anticipated with the minimal increase in housing units. No public property or environmentally sensitive land will be adversely impacted by the project.

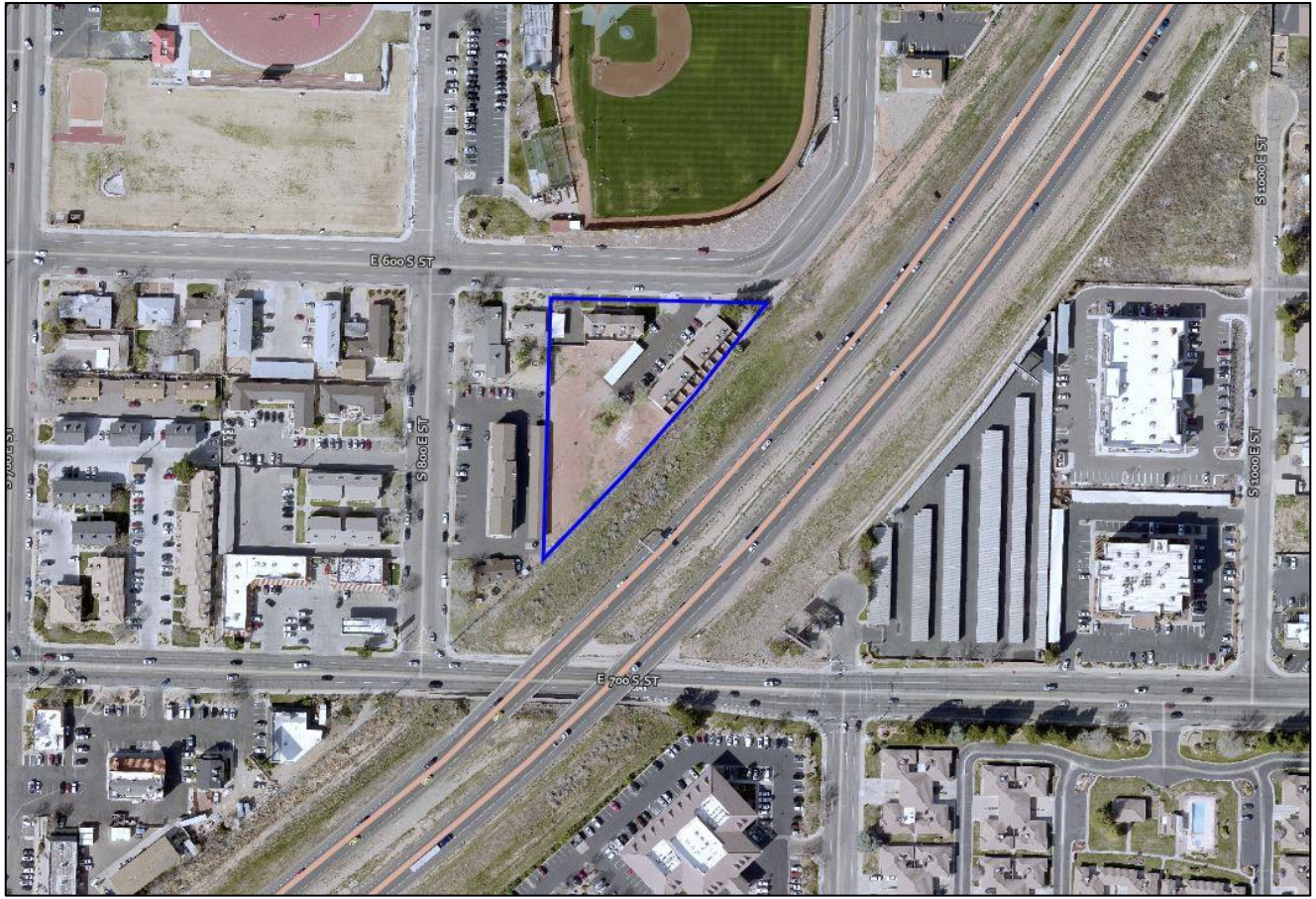
Project Demands

The proposed additional townhome units will utilize the existing water, sewer, power, and communications lines off of 600 S. On site drainage will follow existing drainage patterns. The site will sheet flow towards the southwest corner of the site out to the UDOT/I-15 right of way. On site detention/retention will be constructed near the southwest corner of the site to mitigate increases in storm water volumes. Waste removal services will be required for two additional dumpsters. No other demand for additional public infrastructure or services is anticipated with this project.

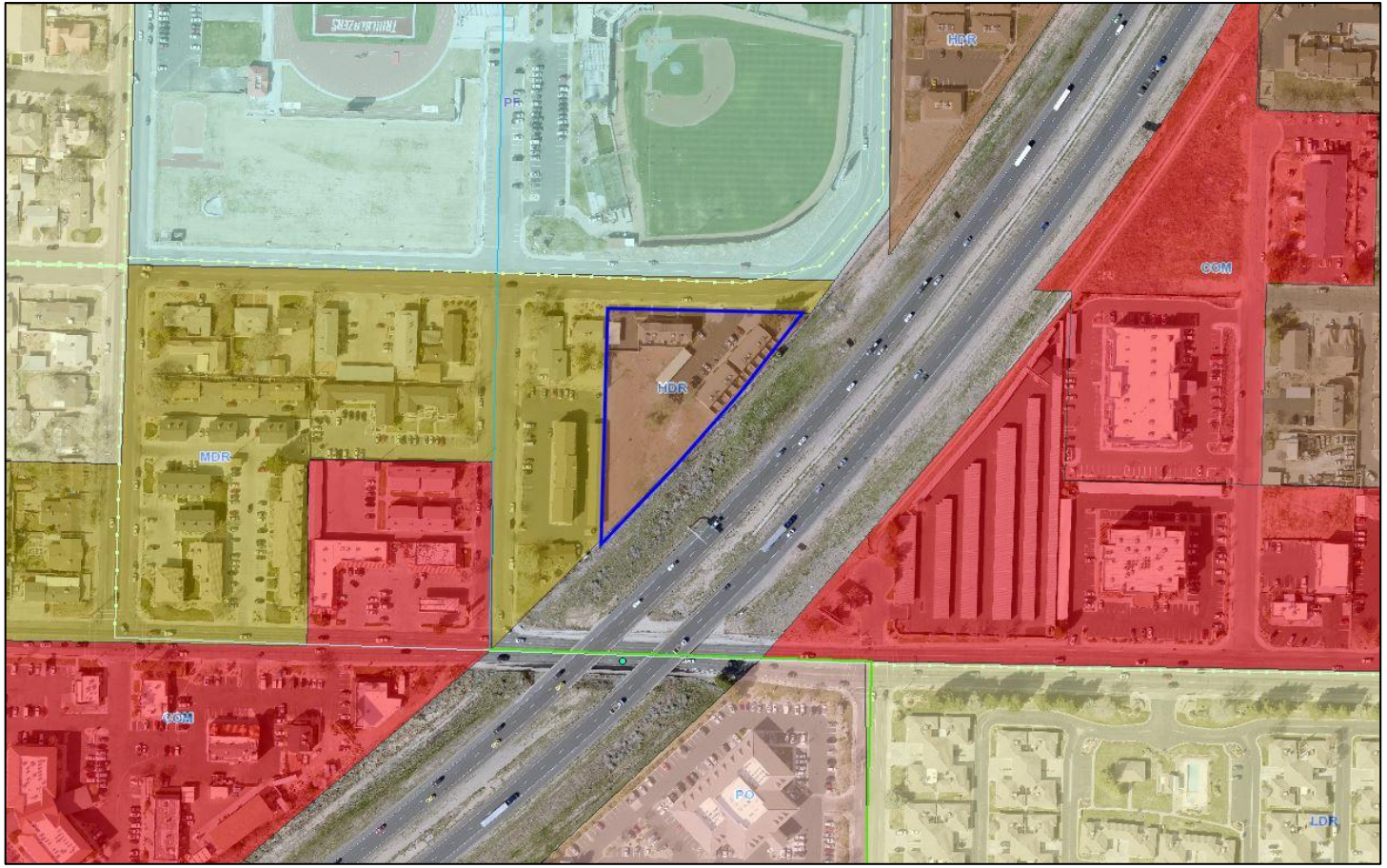
Presentation

Dixie Center Townhomes Conditional Use Permit

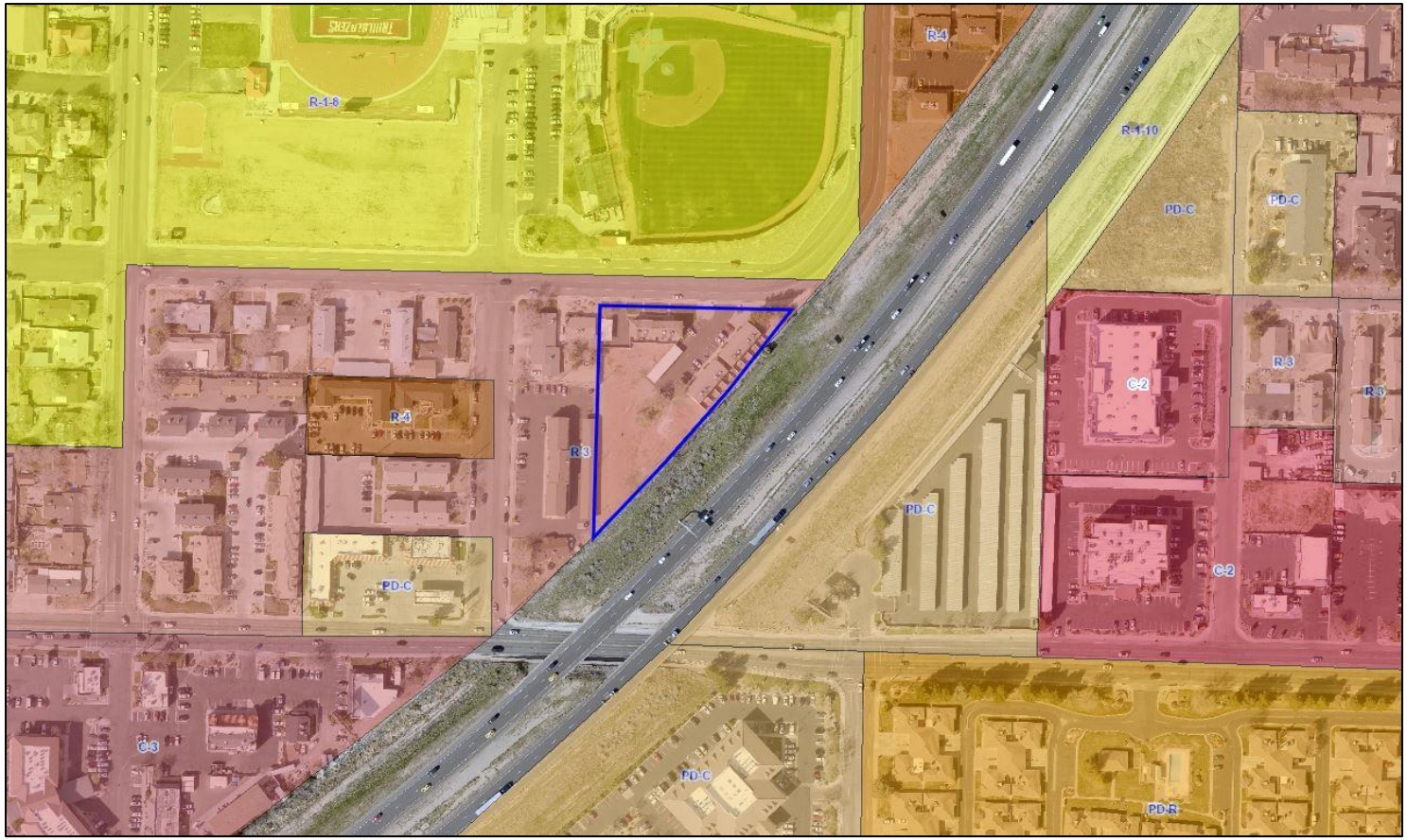
850 East 600 South



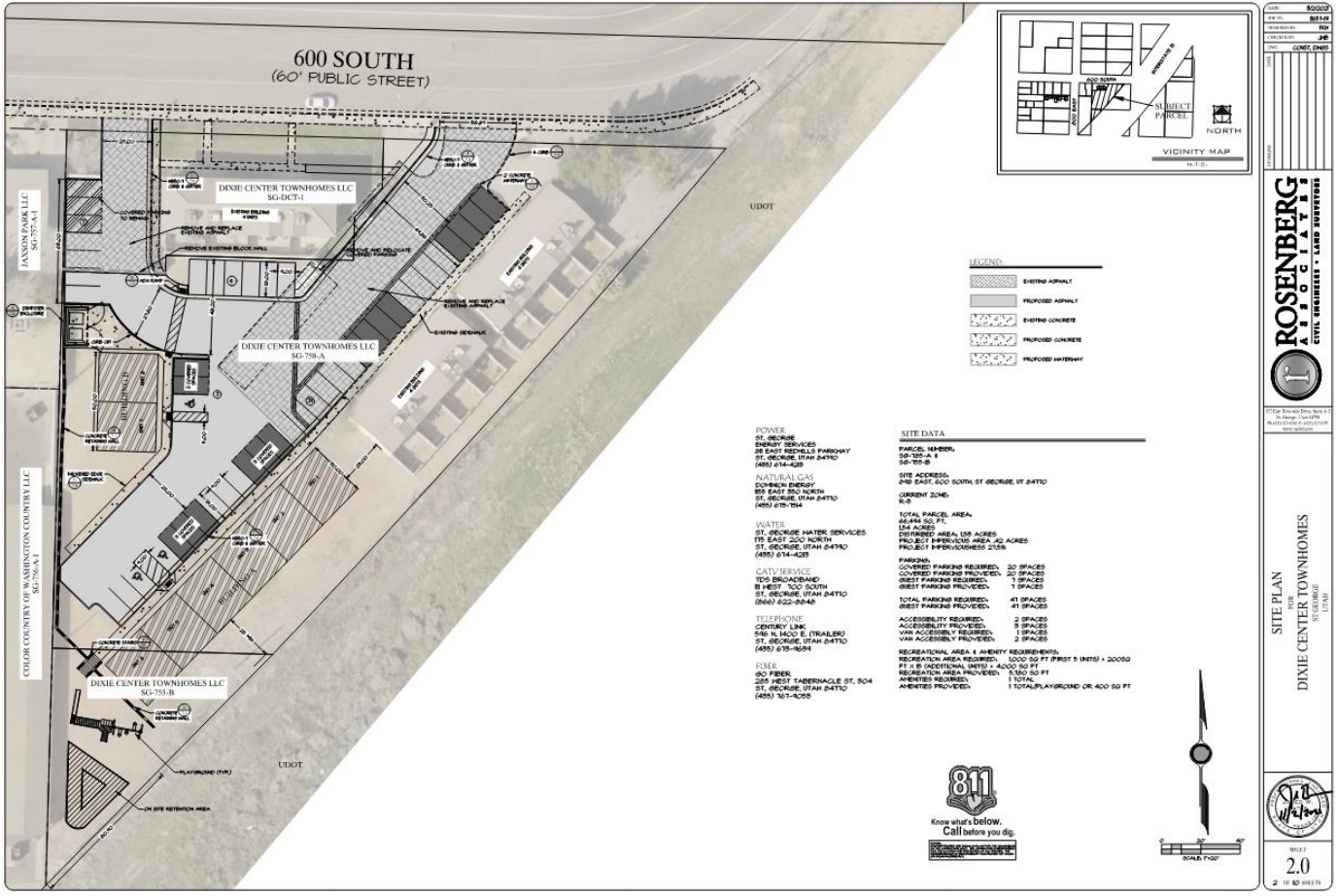
Aerial Map



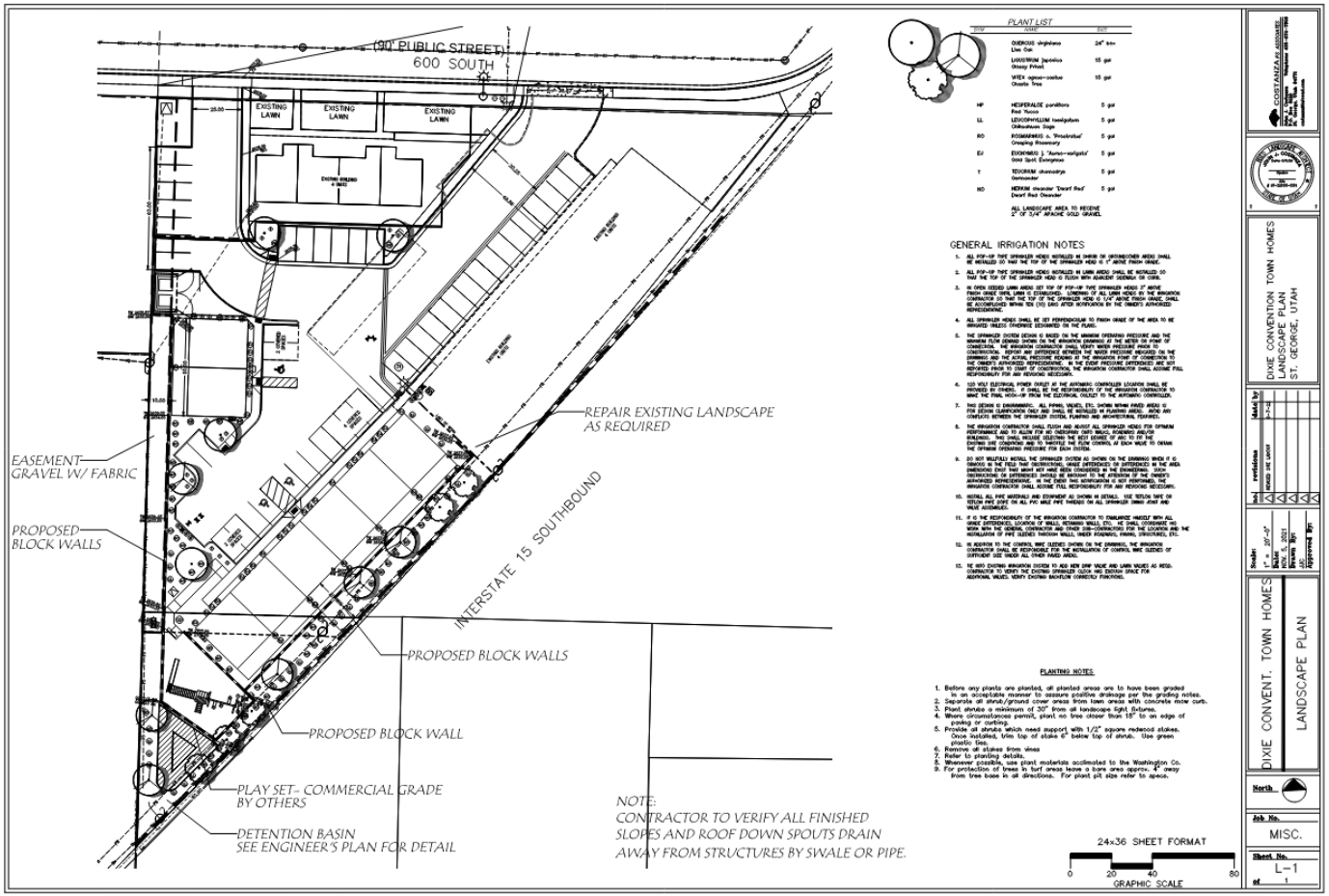
General Plan



Existing Zoning


600 SOUTH
(60' PUBLIC STREET)
DIXIE CENTER TOWNHOMES LLC
SG-DCT-1
DIXIE CENTER TOWNHOMES LLC
SG-758-A
DIXIE CENTER TOWNHOMES LLC
SG-755-B
JAXSON PARK LLC
SG-757-A-1
COLOR COUNTRY OF WASHINGTON COUNTRY LLC
SG-756-A-1
UDOT
UDOT
VICINITY MAP
SUBJECT PARCEL
NORTH
LEGEND
EXISTING ASPHALT
PROPOSED ASPHALT
EXISTING CONCRETE
PROPOSED CONCRETE
PROPOSED WATERWAY
POWER
ST. GEORGE ENERGY SERVICES
26 EAST RIDDELLS PARKWAY
ST. GEORGE, UTAH 84790
(435) 674-4125
NATURAL GAS
DOMINION ENERGY
855 EAST 850 NORTH
ST. GEORGE, UTAH 84770
(435) 673-1514
WATER
ST. GEORGE WATER SERVICES
175 EAST 200 NORTH
ST. GEORGE, UTAH 84770
(435) 674-4125
CATV SERVICE
TDS BROADBAND
91 WEST 700 SOUTH
ST. GEORGE, UTAH 84770
(866) 622-8848
TELEPHONE
CENTURY LINK
540 N. 1400 E. (TRAILER)
ST. GEORGE, UTAH 84770
(435) 673-1694
FIBER
SO FIBER
285 WEST TABERNACLE ST. 304
ST. GEORGE, UTAH 84770
(435) 767-4255
SITE DATA
PARCEL NUMBER:
SG-755-A &
SG-755-B
SITE ADDRESS:
840 EAST 600 SOUTH, ST GEORGE, UT 84770
CURRENT ZONE:
R-8
TOTAL PARCEL AREA:
664,944 SQ. FT.
15.4 ACRES
DISTURBED AREA: 15.5 ACRES
PROJECT IMPERVIOUS AREA: 42 ACRES
PROJECT IMPERVIOUSNESS 215%
PARKING:
COVERED PARKING REQUIRED: 20 SPACES
COVERED PARKING PROVIDED: 20 SPACES
GUEST PARKING REQUIRED: 5 SPACES
GUEST PARKING PROVIDED: 1 SPACES
TOTAL PARKING REQUIRED: 41 SPACES
GUEST PARKING PROVIDED: 41 SPACES
ACCESSIBILITY REQUIRED: 2 SPACES
ACCESSIBILITY PROVIDED: 5 SPACES
VAN ACCESSIBLY REQUIRED: 1 SPACES
VAN ACCESSIBLY PROVIDED: 2 SPACES
RECREATIONAL AREA & AMENITY REQUIREMENTS:
RECREATION AREA REQUIRED: 1,000 SQ FT (FIRST 5 UNITS) + 200SQ FT x 15 (ADDITIONAL UNITS) = 4,000 SQ FT
RECREATION AREA PROVIDED: 5,150 SQ FT
AMENITIES REQUIRED: 1 TOTAL
AMENITIES PROVIDED: 1 TOTAL(PLAYGROUND OR 400 SQ FT
Know what's below. Call before you dig.
SCALED 1"=20'
ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS
SITE PLAN FOR DIXIE CENTER TOWNHOMES ST GEORGE UTAH
SHEET 2.0
2 OF 10 SHEETS

Site Plan

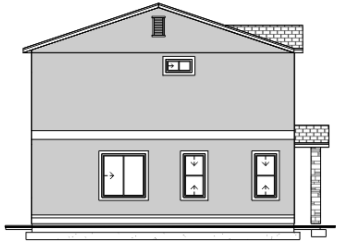


Landscape Plan



GENERAL NOTES:

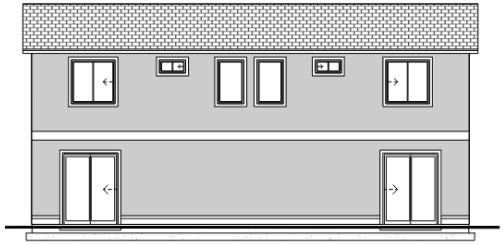
1. COMPACTION REQUIRED ON ALL BACKFILLED AREAS.
2. COMPACTION CERTIFICATION REQUIRED AT FINAL INSPECTION.
3. ROOF TRUSS DESIGN TO BE SUBMITTED.
4. ROOF VENTS IN THE REQUIRED AS PER RECITAGIMOS.
5. ALL STUCCO MUST BE ICC APPROVED.
6. ALUMINUM FLASHING REQUIRED BETWEEN ALL TRANSITIONS OF BRICK, STONE, STUCCO, SIDING, & CONCRETE.



2 (SOUTH) LEFT ELEVATION
SCALE: 1/4" = 1'-0"



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



4 (WEST) REAR ELEVATION
SCALE: 1/4" = 1'-0"



3 (NORTH) RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

Duplex Elevations



Six-Plex Elevations (05/25/21)



Six-Plex Renderings



Six-Plex Renderings

Agenda Date: 11/03/2022 **Agenda Item Number:** 08

Subject:

Consider approval of an ordinance adopting the Downtown Area Plan.

Item at-a-glance:

Staff Contact: Carol Davidson

Applicant Name: City of St. George

Reference Number: 2022-GPA-009

Address/Location:

n/a

Item History (background/project status/public process):

The City has been undergoing the process of updating our General Plan, and in conjunction with this update, the City would like to present our Downtown Area Plan. This vision document focuses in on future planning within the downtown area. With the large size and many distinct neighborhoods in St. George, the City will benefit with several neighborhood-area plans. The first area plan to be presented for adoption is the Downtown Area Plan. A public hearing was held at the October 18, 2022 Planning Commission meeting; no comments were made.

Staff Narrative (need/purpose):

Like the General Plan, the Downtown Area Plan will provide guidance for growth and improvements for the next 20 years. Input for this plan has been gathered from the community through surveys, stakeholder interviews, a 20-member Steering Committee, and countless work meetings with our Planning Commissioners, Mayor, and City Councilmembers.

Name of Legal Dept approver: Jami Brackin

Budget Impact: No Impact

Recommendation (Include any conditions):

With a 6-0 vote, the Planning Commission recommended approval of the Downtown Area Plan as our first neighborhood-area vision document with the following condition:1.At the time the ordinance is drafted for Traditional Neighborhoods, a provision be made to include language that allows for the expansion of development, similar to what we already see in our Traditional Neighborhoods, with measurable conditions and/or standards placed upon the new development.

PLANNING COMMISSION AGENDA REPORT: 10/18/2022
CITY COUNCIL AGENDA REPORT: 11/03/2022

Downtown Area Plan General Plan Amendment (Case No. 2022-GPA-009)	
Request:	Consider approval of an ordinance to adopt the Downtown Area Plan
Applicant:	City of St. George
Representative:	Whitney Ward, VCBO Architecture

BACKGROUND:
The City has been undergoing the process of updating our General Plan, and in conjunction with this update, the City would like to present our Downtown Area Plan. This vision document focuses in on future planning within the downtown area. With the large size and many distinct neighborhoods in St. George, the City will benefit with several neighborhood-area plans. The first area plan to be presented for adoption is the Downtown Area Plan.

Like the General Plan, the Downtown Area Plan will provide guidance for growth and improvements for the next 20 years. Input for this plan has been gathered from the community through surveys, stakeholder interviews, a 20-member Steering Committee, and countless work meetings with our Planning Commissioners, Mayor, and City Councilmembers.

This document begins with our Vision statement:
Downtown is the safe, vibrant, historic center of our City and region, offering unique employment, education, entertainment, and entrepreneurship opportunities. Downtown welcomes all community members to gather and thrive, consistent with its primary roles as the seat of government, home to residents in all stages of life, and showcasing local history, arts, events, and culture.

To achieve our vision, this document has been organized into eight distinct sections. Each section has goals and strategies listed to help focus on achieving our vision. The eight sections are:

1. Downtown Character Areas
2. Lifestyle
3. Economic Vitality
4. Connection to Nature
5. Responsible Growth
6. Accessible City
7. Thriving Downtown
8. Arts & Culture

With the approval of this document, it is anticipated that the next steps will be to update our zoning and other related regulations so that they align with this vision document.

RECOMMENDATION:

With a 6-0 vote, the Planning Commission recommended approval of the Downtown Area Plan as our first neighborhood-area vision document with the following condition:

1. At the time the ordinance is drafted for Traditional Neighborhoods, a provision be made to include language that allows for the expansion of development, similar to what we already see in our Traditional Neighborhoods, with measurable conditions and/or standards placed upon the new development.

ALTERNATIVES:

1. Approve this Downtown Area Plan
2. Approve this Downtown Area Plan with changes
3. Deny this Downtown Area Plan
4. Continue the proposed Downtown Area Plan to a specific date.

POSSIBLE MOTION:

I move we approve this Downtown Area Plan as St. George's first neighborhood-area vision document as presented.

Exhibit A
Public Comments

St.George
THE BRIGHTER SIDE

Brenda Hatch <brenda.hatch@sgcity.org>

Fwd: Downtown Area Plan Feedback

1 message

John Willis <john.willis@sgcity.org> Tue, Oct 4, 2022 at 1:39 PM
To: Brenda Hatch <brenda.hatch@sgcity.org>, Whitney Ward <wward@vcbo.com>

John Willis
Community Development Director
Office: (435) 627-4235

---------- Forwarded message ---------
From: **Josh Sutton** [redacted]
Date: Fri, Sep 30, 2022 at 7:32 PM
Subject: Downtown Area Plan Feedback
To: john.willis@sgcity.org <john.willis@sgcity.org>

Hi John,

I attended the work meeting on September 22nd where the latest draft of the St. George City Downtown Area Plan was presented. I am excited about the future of St. George and wanted to share some feedback with you. I have detailed my feedback according to the different sections of the plan.

- TN.1 - I am in full support of protecting the Traditional Neighbors of the city. I do have a few concerns that I believe should be addressed in the plan.
  - Would allowing up to 3 stories be considered, or setting a height cap? I could see setting a cap at 1 -2 stories causing issues as the city continues to grow.
- TN.2
  - b. Could language be added to restrict the amount of turf that is allowed to help reduce water use?
  - d. As a resident of downtown this section concerns me due to the possibility of accessory dwellings being used as overnight vacation rentals. I am not in support of allowing accessory dwellings in the downtown area unless they are in pre-approved nightly rental zoned areas. Nightly rental guests can be a disturbance to residents however, when limited to the pre-approved areas zoned for nightly rental this impact is mitigated. I do think accessory dwellings could be added to help add affordable housing options for students and young professionals.
- CC.1 - I think St. George really needs to consider increasing the height developers are allowed to build. With the rate our city and county are growing we are running out of space and resources and when developers are allowed to go up there are several positives that I believe outweigh the negatives. First, the amount of water used in a multi unit housing building on landscaping is far less than the amount that would be used in several traditional homes. Second, it allows for multiple units to be built on smaller pieces of land which increase the number of affordable housing options available. Third, some of the newer projects in the city that have been allowed to build to the current limits or received waivers have really improved the look and feel of downtown such as Joule Plaza, City View, the new County Building, Utah Tech's new stadium, etc.
  - a. & d. I am in full support of mixed use buildings with retail on the first floor to help bring more unique shops and restaurants to the downtown area.
- L.1 - My biggest concern with this area is the expectation of only having 3-6 story buildings. If you look at similar sized cities just in Utah you will find some with even smaller populations that have buildings that are 120+ feet tall. Great examples are the Mountain America Building in Sandy, the old First Security Building in Ogden which is currently being gutted and remodeled by Cache Valley Bank, and Intermountain Medical Center in Murray. These are just Utah examples, there are numerous others outside the state. I am strongly against limiting the height of buildings downtown to only 6 stories. If this cap is put in place you will have few if any buildings with more than 5 stories due to the cost of building with steel vs stick build. Building code does not allow for more than 5 stories stick built and the cost to build with steel to add one more story rarely makes sense. I am in full support of increasing the height of buildings downtown as long as they are well designed and add to the Lively Area in some way.

    - q. I love the language used here about water wise landscaping, however this seems to be the only area with this restriction. I think this should be added to all areas.
- 2.1 - I fully support responsible growth and stimulating commercial revitalization. Again, I think this will be hard to do with restrictions only allowing 6 story buildings. If we want to diversify our economy and attract bigger companies to the area we are going to need to allow them to build buildings to meet their needs.
    - b. I would love to see more of the older properties downtown refreshed.
- 3.5 - With tourism being a main driver of our economy I think more focus should be put here. How can we bring larger hotels that can accommodate larger conferences? How can we add more unique dining options? What other nightlife and entertainment options can we bring downtown?
- 5.1 - I think the focus on connecting downtown to the vast trail network is well worth the time and investment.

Thank you for your time and consideration. If you would like any more details on my feedback I would be happy to provide them.

Respectfully,

Josh Sutton
[redacted]

St.George
THE BRIGHTER SIDE

Brenda Hatch <brenda.hatch@sgcity.org>

Fwd: Downtown Plan

1 message

Brenda Hatch <brenda.hatch@sgcity.org> Thu, Oct 13, 2022 at 11:50 AM
To: Brenda Hatch <brenda.hatch@sgcity.org>

To: John Willis <john.willis@sgcity.org>

John,

Thanks for making the updated presentation available on the website.

I appreciate being able to comment on the proposed downtown plan and will rotate between a few different hats.

First, as a lifelong resident of St. George I agree that careful planning needs to be done to support the vitality of downtown while preserving what has made St. George such a great place to live. It is important to preserve the history, but we also need to remember that St. George is no longer a small town, and it is impossible to go backwards in growth. St. George will never be what it was 20 or even 10 years ago and the plan should be a realistic vision of the future.

One concern that came up throughout each character area was the “historic” designation. There needs to be a definition because what one person sees as historic, others will think is run down. A perfect example of this is our own hotel, the Dixie Palm. City and county officials strongly encouraged us to tear it down because it did not enhance the downtown. I agreed and we tore it down. Yet, we could have easily argued that it was one of the original wayside motels in St. George and that it should remain until the old roof gave out or the electrical caused a fire. There are many businesses and homeowners who will use the historic designation to keep old, dilapidated structures in use without making the needed renovations to improve or even sustain a reasonable level of quality. Safety also becomes a huge concern. Not everything old should be considered historic.

My hotel side is going to be shown because throughout the earlier drafts there was only one mention of hotels or lodging, and that was under Economic Vitality. As a tourism destination and an economy built on successfully bringing in visitors, this aspect should be important in the planning. As I look at the desired characteristics of the Lively Area, a hotel similar to the one we are planning to build checks off all the boxes and then some. It will include structured parking, hidden view parking, mixed use with retail and restaurants, meeting space, an elevated pool, rooftop restaurant/bar. It will not only be a great addition to the downtown companies looking to house their employees, but more importantly, it injects hundreds of people into our downtown every night. These guests will be a much-needed economic infusion to the downtown businesses, shops and restaurants. The tax benefit from “outside” money is also considerable. I appreciate the new section that briefly addresses tourism but want to stress its importance.

Something that needs to be considered are the height restrictions, and other restraints being considered. Throughout the terms “mixed-use”, higher “density”, and “affordable” are all used. Those developing this plan need to recognize that for a developer to successfully build something with the increasing price of land and construction, they need to maximize every opportunity. This could mean a structure taller than the proposed 6 stories. Our hotel is still not designed, and we may choose to keep it 5-6 stories even if the allowed number of floors is increased, but I don’t think others should be so restricted. There are several buildings in St. George that are at or above these heights, and you could argue that most greatly enhance the area. Not every tall building creates a concrete jungle. Other smaller communities have much taller buildings and their history and charm remain preserved. Bozeman is a great example. As the height and other restrictions are discussed, providing a way for developers to succeed needs to

be considered. Building a 2-4 or even 6 story building in downtown St. George may not be cost effective, especially if they are trying to provide underground or screened, step down heights, parking, gathering areas, retail, restaurants, etc. I also don't think the shorter structures enhance the area. On the other hand, a beautifully designed building that fully utilizes its space will.

Accessibility is an important element and I support improving our public transportation system. It is desperately needed. I am also a huge supporter of our parks, trails, downtown gathering areas like the electric theater and know they not only bring in tourists but greatly enhance the quality of life for our residents.

Sincerely,

WITTWER HOSPITALITY

SHAYNE WITTWER

CEO
60 N 300 E | St. George, Utah 84770
D: 435-215-1135 O: 435-215-1024
shaynew@wittwerhospitality.com
HEARTFELT HOSPITALITY.™

Jeff Fawcett
[redacted]
[redacted]

To whom it may concern
My name is Jeff LeGrande Fawcett. I am a 5th generation St. George resident. I was born 55 years ago this month. I have lived in St. George 52 of the 55 years I have been alive. I am currently an active volunteer member of the St. George fire department for going on 32 years. I am also a member of the St. George Lions club (34 years), St. George Elks club (20 years) and a past member of the Utah Natl. Guard, 222nd field artillery battery B (9 years).

32 years ago, me and my Father LeGrande Fawcett started Faus Glass on the property I am writing this letter in regard to. Our office was in one of the bedrooms of my mom and dad's house. We started our business when they still allowed us to have our business in the center of the block. They grandfathered us in when they rezoned the area to downtown historic district.

I recently saw the cities Downtown Area Plan 2040. I noticed that we are 1 block off the Connected Neighborhood Character Area. My parents and I purchased multiple lots that came on the market in the center of our block in hopes of one day building attainable housing or apartments. If our property is put in the Traditional Neighborhood Character Area then it will not be feasible for us to be able to offer attainable housing as the cost to build this way will not pencil out for us and would be cost prohibitive. If the boundary line was pushed over to 200 West instead of 300 West we would be willing to move forward with doing some form of attainable housing and move our business to a new location.

Currently we have an apartment complex directly South of us on the same block and another apartment complex across the street on 100 west. Both complexes are over 40 years old and pretty run down. On the other hand, both complexes are completely full as attainable housing in the downtown area are severely limited. What ever we were given approval to build if we were moved into the Connected Neighborhood Area would be brand new and very attractive to the eye for the area. The people that would move there would have walking access to the downtown area, this in turn would help with auto traffic and auto congestion.

We feel this would be a big benefit to the community in the end.
I love St. George and plan on being a citizen here until the day I die.

I appreciate your consideration.

Sincerely, Jeff Fawcett

Exhibit B
Downtown Area Plan

St.George

Our City Our Future



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St.George 2040

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DOWNTOWN AREA PLAN

Welcome to the St. George 2040 Downtown Plan. Downtown is a special place with a distinctive role in the past, present and future of St. George.

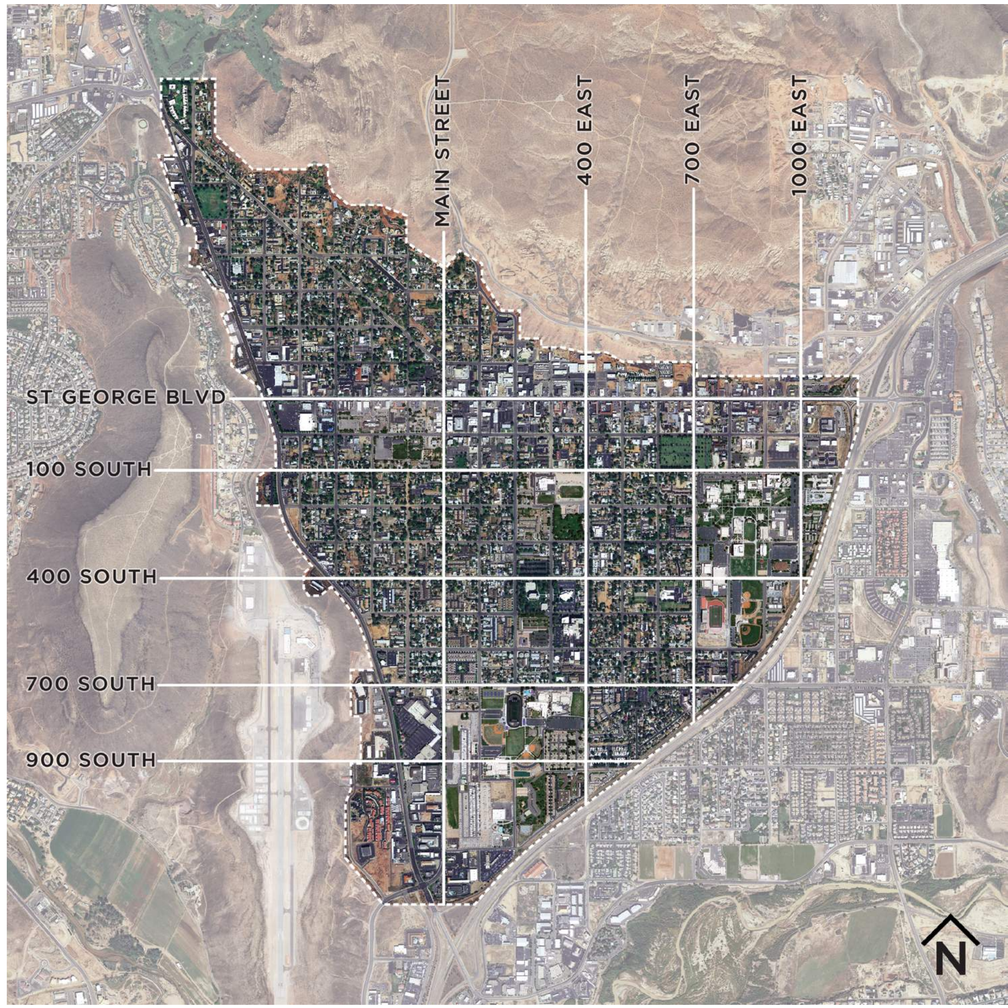
This Downtown Area Plan (DAP) provides clear, practical guidance for growth and improvements in the next 20 years, including City investments in programs, capital investments, regulations. The DAP also informs private investment and guides the City in development application decisions. The policies in the DAP are addititve to those of the St. George General Plan, providing more specificity. It applies within the greater Downtown area, shown at right. Following adoption of the DAP, zoning and other regulations will be updated to align with the policies.

This Plan is informed by extensive input from the St. George community, including a 20-member volunteer Steering Committee, more than 50 stakeholder interviews, and over 6,000 survey responses. The planning team would like to thank everyone who contributed their time and passion to guide the future of Downtown St. George.

VISION

Downtown is the safe, vibrant, historic center of our City and region, offering unique employment, education, entertainment, and entrepreneurship opportunities. Downtown welcomes all members of the community to gather and thrive, consistent with its primary roles as the seat of government, home to residents in all stages of life, and showcase of local history, arts, events, and culture.

Downtown Area Map



St.George 2040

Downtown is the safe, vibrant, historic center of our City and region, offering unique employment, education, entertainment, and entrepreneurship opportunities. Downtown welcomes all members of the community to gather and thrive, consistent with its primary roles as the seat of government, home to residents in all stages of life, and showcase of local history, arts, and culture.

DOWNTOWN AREA PLAN SECTIONS

The Downtown Area Plan is divided into eight sections that align to topical sections of the 2040 St. Geroge General Plan. The entire plan aligns to and expands on the General Plan's Thriving Downtown section. The Downtown Character Areas section is specific and unique to the Downtown Area Plan.

DOWNTOWN CHARACTER AREAS

LIFESTYLE

ECONOMIC VITALITY

CONNECTION TO NATURE

RESPONSIBLE GROWTH

ACCESSIBLE CITY

THRIVING DOWNTOWN

ARTS & CULTURE

NOTE: The section topics, and thus their policies, are interrelated. Policies housed in one section often also advance objectives from another section. Redundancy and duplication has been minimized.

St.George 2040

DOWNTOWN A

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ACCESSIBLE CITY

ACCESSIBLE CITY

THRIVING DOWNTOWN

ARTS & CULTURE



DOWNTOWN CHARACTER AREAS

The Character Areas respond to varied existing conditions within the Downtown Area Plan area as well as the community's vision for the future in distinctive parts of Downtown. The areas differ in the amount of accommodation of growth and new housing, the mix of commercial and residential uses, the variety of sizes of households, and desired balance of preservation and beneficial revitalization.

Downtown is where St. George began and today plays an important role as and employment center and a meeting ground for all of the St. George community and surrounding region. Throughout the Downtown Area Plan planning process, community members expressed deep appreciation for the historical elements of Downtown, while also seeking add more vitality. The future vision for Downtown includes more community gathering spaces, accomodation of more households, more dining and entertainment for locals and visitors, and more visible signs that St. George is a university town. To accomplish all this while preserving a rich history, development has not and will not be uniform within the Downtown area. Character Areas within Downtown offer a nuanced approach that guides and channels change to appropriate locations, while retaining much of the existing character in other locations. Character areas are mapped as shown on page 5. Each Character Area is described on folllowing pages with a future development vision, scale and design summary, and land use and development strategies that supplement the area-wide strategies found in other Downtown Area Plan sections.

St.George 2040

DOWNTOWN A

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LETTER FROM THE MAYOR

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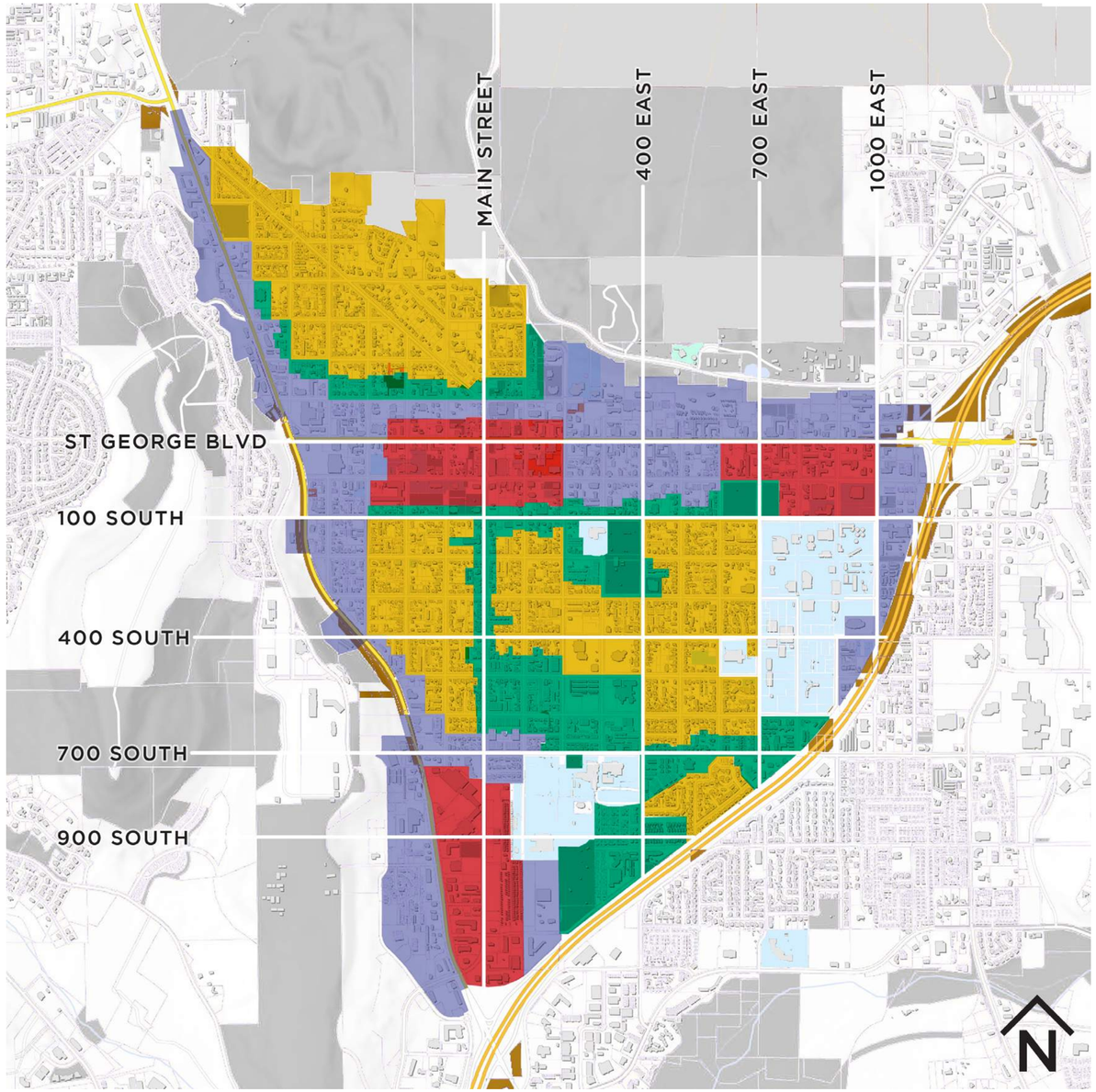
ACCESSIBLE CITY

ACCESSIBLE CITY

THRIVING DOWNTOWN

ARTS & CULTURE

Downtown Character Area Map



TRADITIONAL NEIGHBORHOOD

A traditional neighborhood with housing and other amenities for small- and mid-sized family households.

CONNECTED NEIGHBORHOOD

A convenient neighborhood with a mix of housing types and small-scale, neighborhood serving businesses.

CONNECTED CORRIDOR

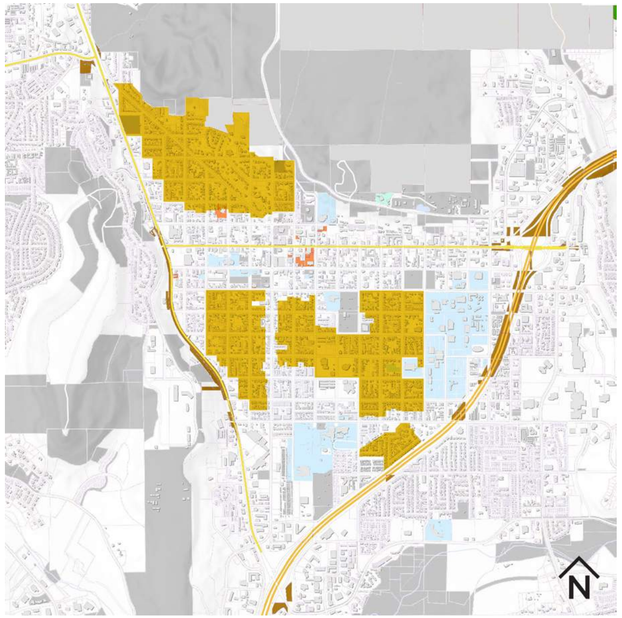
A transitional area with a mix of uses and scales that support diverse housing and business needs within Downtown.

LIVELY

A bustling district that encourages a compact mix of jobs, entertainment, and community gathering spaces.

TRADITIONAL NEIGHBORHOOD CHARACTER AREA

A traditional neighborhood with a mix of one and two story single family and multifamily homes set back from the street edge.

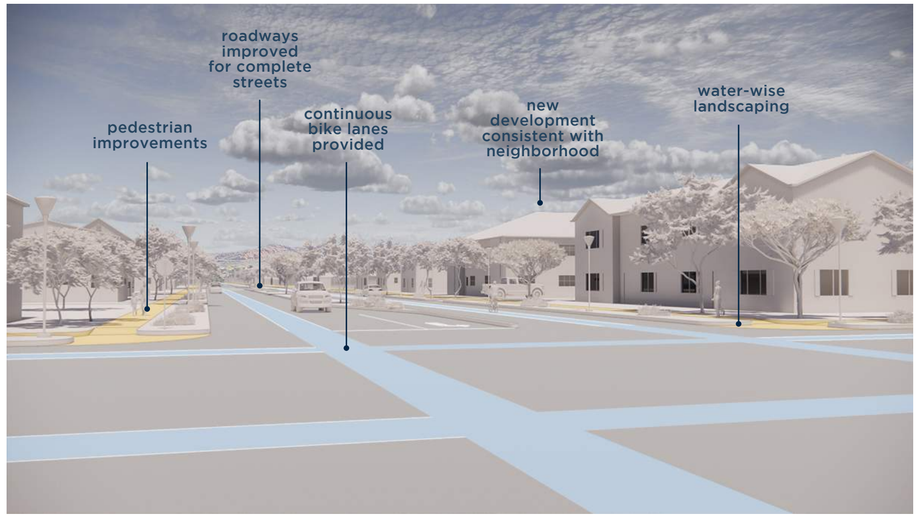


TRADITIONAL NEIGHBORHOOD DEVELOPMENT VISION

Traditional Neighborhood areas continue a healthy mix of single family and multifamily uses, with limited non-residential uses such as home-based businesses, and religious and small-scale civic uses. Most new development is expected to be single family homes and Accessory Dwelling Units on adequately sized lots. Redevelopment will include additions to existing buildings that increase them to the full height, size, and lot coverage allowed by existing zoning.



Existing Traditional Neighborhood character



Proposed Traditional Neighborhood character with potential development and streetscape improvements

TN.1 TRADITIONAL NEIGHBORHOOD SCALE AND DESIGN

One and two story residential scale buildings, with front porches and front yards that separate buildings from the street. Housing styles vary widely, having been developed over many building eras since settlement. Zoning updates will not change the allowed building height.

TN.2 TRADITIONAL NEIGHBORHOOD STRATEGIES

a. To preserve the history and charm of existing neighborhoods, property owners of historic Pioneer era buildings are encouraged with incentives to pursue formal Historic Landmark designation.

b. To retain neighborhood character, buildings will be set back from the street with front yards aligned to traditional development patterns.

c. To encourage reinvestment, property owners of residential buildings are allowed to expand the same use up to the maximum zoned height and footprint through adminstrative aproval.

d. All single family lot owners should have the opportunity to build one accessory dwelling unit per minimum lot area, so long as each dwelling unit complies with development standards.

e. Explore precedents for how other cities address emergency service access to secondary units on deep lots.

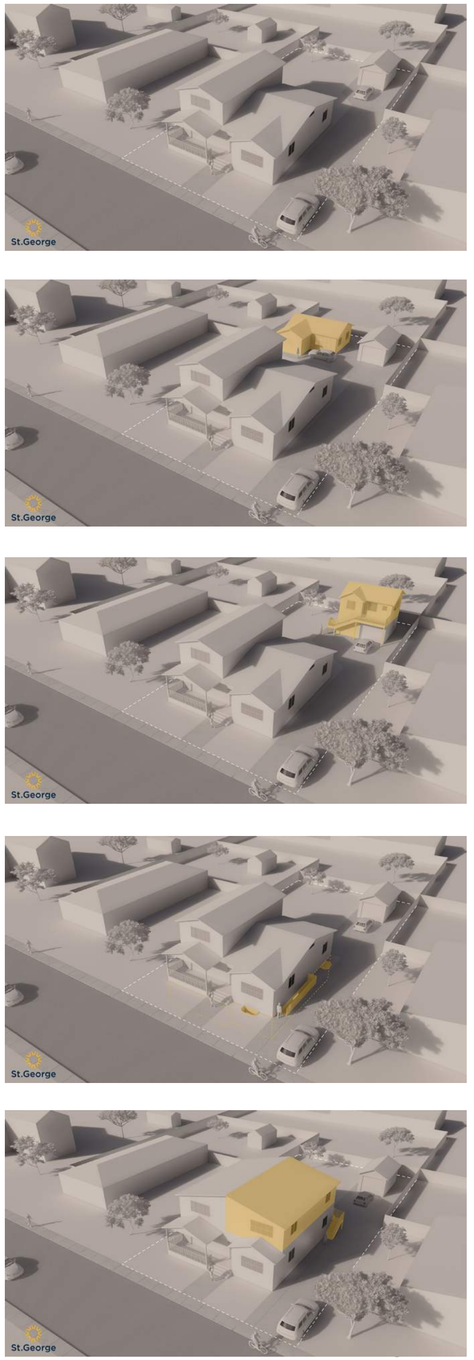
f. The City may allow conversion of an existing residential building to non-residential use, particularly in the case of buildings with formal Historic Landmark designation.

g. Sidewalks, street trees, and park strips are desired along Traditional Neighborhood streets consistent with applicable street sections.

h. The low density of development in Traditional Neighborhood Character Areas supports limited transit service; any transit stops will be prioritized on connector streets.

i. Mobility and recreation enhancements will primarily be bike lanes, sidewalks, trail connections and wayfinding.

j. The City may consider using some right-of-way for Complete Streets improvements or for angled parking if infill development increases parking demand.

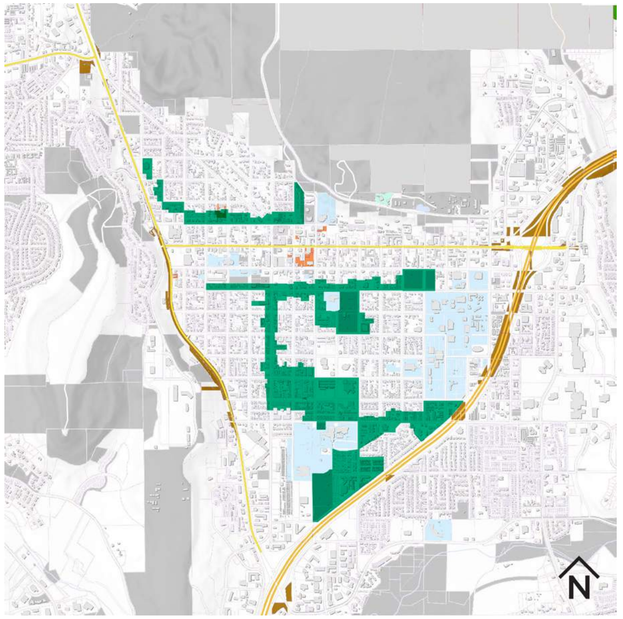


Images from top to bottom, existing single family residence, potential detaced accessory dwelling, potential accessory dwelling over the garage, potential accessory dwelling in the basement level, potential accessory dwelling at the upper level

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CONNECTED NEIGHBORHOOD CHARACTER AREA

A convenient neighborhood with a varied mix of single family homes, multifamily housing and neighborhood-scale businesses.



CONNECTED NEIGHBORHOOD DEVELOPMENT VISION

The Connected Neighborhood Areas contain townhomes, apartment buildings, courtyard homes, stand-alone homes, student housing, live-work units, businesses, and civic and religious uses. Housing demand is expected to drive most redevelopment. New housing and residents may also support limited non-residential development such as personal services, convenience retail, cafe, or home-based businesses. Existing residential structures may be converted to non-residential use with City approval.



Existing Connected Neighborhood character



Proposed Connected Neighborhood character with potential development and streetscape improvements

CN.1 CONNECTED NEIGHBORHOOD SCALE AND DESIGN

Buildings will meet the existing height limit which accommodates one or two stories, with size and lot coverage that make efficient use of valuable Downtown land. Buildings are usually single use but vertical mixed use is allowed. Building and site design are pedestrian friendly, and protect the character of adjacent historic buildings.

CN.2 CONNECTED NEIGHBORHOOD STRATEGIES

To revitalize the area, commercial properties should be allowed to redevelop with an emphasis on housing to support downtown businesses and institutions and conveniently house downtown workers, students, and their families. Residential uses may occupy all floors of buildings.

a. To retain neighborhood character, buildings will be set back from the street with front yards aligned to traditional development patterns.
b. Housing options for students are encouraged near Utah Tech University.
c. Existing historic structures are encouraged to be designated as Historic Landmarks and to be adaptively reused.
d. Enhance residents' mobility and recreation access with investments in bike lanes and complete streets.
e. Multifamily housing redevelopments should include small-scale gathering spaces, pocket parks, and pet relief areas to enhance residents' recreation access.
f. Shared parking should be encouraged between compatible adjacent uses.
g. The City will consider using some right-of-way for angled parking where infill adds to parking demand.
h. Off-street parking should be located where it is least visible from public rights of way and screened from Traditional Neighborhood areas.
i. Required landscaping should be purposeful rather than extensive, and located where it best contributes to appealing an street frontage or screening of Traditional Neighborhood areas.









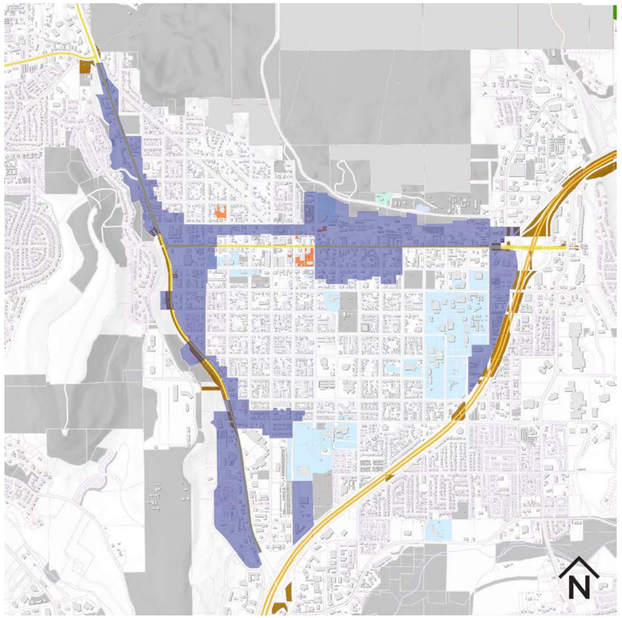


Examples of neighborhood integrated commercial development compatible with surrounding scale, setbacks, and character

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CONNECTED CORRIDOR CHARACTER AREA

A convenient mix of businesses, services, and housing within proximity to collector and higher volume roadways.



CONNECTED CORRIDOR DEVELOPMENT VISION

Connected Corridor Areas include businesses, apartment buildings, courtyard homes, townhomes, student housing, live-work units, and civic and religious uses. In these areas, many commercial properties are anticipated to redevelop as housing and mixed use. Housing demand will drive most redevelopment. New housing and residents may also support some non-residential development such as office, dining, or retail along key street frontages and intersections; as well as transit and mobility enhancements.



Existing Connected Corridor character



Proposed Connected Corridor character with potential development and streetscape improvements (building setback precedent shown on page 12)

CC.1 CONNECTED CORRIDOR SCALE AND DESIGN

Building heights are two to four stories, with size and lot coverage that make efficient use of valuable Downtown land. Buildings are mostly single uses that are mainly horizontally mixed, though new buildings are encouraged as vertical mixed use. Design standards focus on the interface with and enhancement of the streetscape along key pedestrian streets such as Main Street and Tabernacle Street.

CC.2 CONNECTED CORRIDOR STRATEGIES

To revitalize the area, commercial properties should be allowed to redevelop to add a mix of uses, with shops, dining and housing to support downtown businesses and institutions, and conveniently house downtown workers, students, and their families.

a. Allow for a wide range and scale of uses, allowing the area to transition over time in response to cyclical market conditions.
b. Existing historic structures are encouraged to be adaptively reused and/or be designated as Landmarks.
c. Buildings should be multi-story. On Main Street, Tabernacle Street and St. George Boulevard, street-facing ground floor should be activated with retail, restuarant, or other public access spaces. In other locations, residential uses may occupy all floors.
d. Buildings on Main Street, Tabernacle Street, and St. George Boulevard should be built ready to install necessary equipment for full-service restaurant use (e.g., plumbing for grease interceptor, ductwork for exhaust hoods).
e. Tabernacle Street should be redeveloped as a pedestrian friendly street enlivened by housing, dining and retail, to reinforce the connection between Utah Tech University and the Arts District.
f. Third and fourth stories of buildings should be set back from the street edge to soften their impact on the street character.
g. Housing options for students are encouraged near Utah Tech University.



Potential Connected Corridor Building Options

h. Multifamily and mixed use redevelopments should include small-scale gathering spaces, pocket parks, and/or pet relief areas to enhance residents' recreation access.

i. Over time, increasing housing density in Connected Corridors is expected to support transit service enhancements and increase mobility for residents.

j. Enhance residents' mobility and recreation access with bike lanes and complete streets.

k. The City may consider using a portion of ample right-of-way for Complete Streets improvements or angled parking, or dedicating some right of way to redevelopment for seating areas or other streetscape enhancing elements.

l. Parking for multifamily, commercial, and mixed use developments should be scaled appropriately to a Downtown setting, with shared parking encouraged.

m. Off-street parking should be located where it is least visible from public rights of way and screened from Traditional Neighborhood areas.

n. Required landscaping should be purposeful rather than extensive, contributing to appealing street frontages and screening Traditional Neighborhood areas.



The East fascade of the Vue at Sugar House apartments in Salt Lake, an example of how the use of setbacks could maintain views and more pedestrian-friendly streets



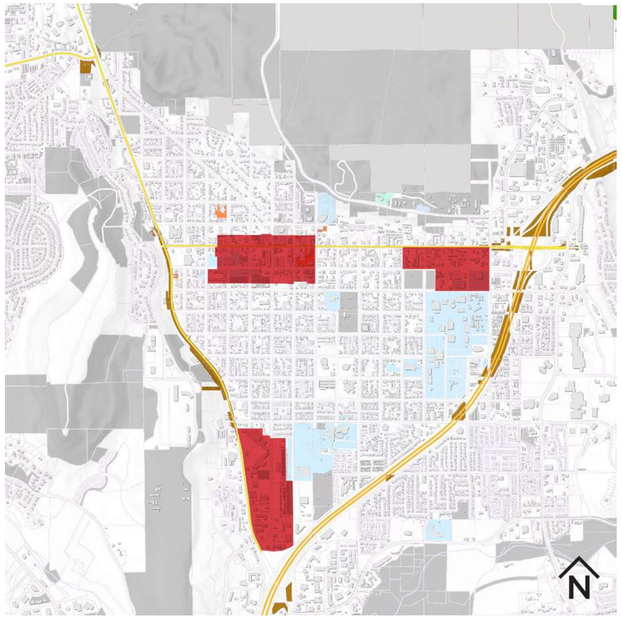
The Vue at Sugar House apartments at the intersection of 1100 East and 2100 South

Back to page 10

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LIVELY CHARACTER AREA

A bustling district with a compact mix of jobs, entertainment, housing, and community gathering spaces all in walkable distance.

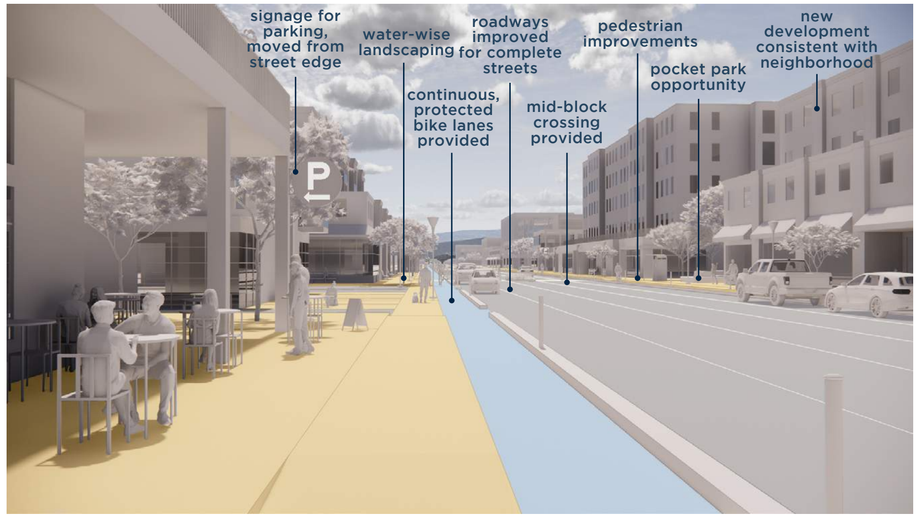


LIVELY AREA DEVELOPMENT VISION

Lively Character Areas are envisioned to be activity centers with commercial uses such as offices, retail and services, civic and religious uses, and a mix of housing such as townhomes, multifamily and student housing. Lively areas will draw the community and region to gather for entertainment, dining, experience shopping and events. Ground floor uses along primary streets will contribute to an activated district. While housing is expected to drive redevelopment in the current market cycle, buildings should include space to accomodate a flexible mix of uses over the long term. To support compact development, structured parking may be needed.



Existing Lively character at South Main



Proposed Lively character with potential development and streetscape improvements at South Main

L.1 LIVELY AREA SCALE AND DESIGN

Building height varies, ranging from three to six stories. Building design, orientation, and site layout make efficient use of land and contribute to a walkable district feel. Site design includes sidewalks along streets and within sites to provide pedestrian circulation, incorporates mobility elements, and adjusts to reduce impacts on adjacent historic buildings and Traditional Neighborhood areas.

L.2 LIVELY AREA STRATEGIES

To revitalize the Lively Areas, commercial properties should redevelop to add a mix of residential and nonresidential uses that will contribute to and support thriving Downtown activity centers over the long term.

a. New buildings are encouraged to build to the full by-right height, area, and lot coverage, to contribute to the compact walkable district.
b. Commercial or vertically mixed use, multi-story buildings are strongly encouraged.
c. Buildings should typically be up to five stories. The City may allow a sixth story when a development provides a community benefit consistent with this Plan (e.g., public plaza area, affordable housing).
d. Buildings should step down in height to be compatible with abutting historical buildings and neighborhood Character Areas.
e. Buildings should generally orient entrances to the street rather than the interior of the lot.
f. The ground floor of all buildings should be activated with retail, dining, entertainment or other uses that enliven the district.
g. Protect and preserve contributing historic facades of buildings as identified by St. George City.
h. To encourage informal entertainment and provide recreation access for residents, Lively area blocks should incorporate plazas, parks, or other public access gathering spaces, and include shaded seating.



Existing Lively character at Main Street



Proposed Lively character at Main Street with potential development and streetscape improvements



Proposed Lively character at Main Street with potential development and streetscape and event facilitation improvements

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i. New mixed use buildings should be built ready to install necessary equipment for a full-service restaurant (e.g., plumbing for grease interceptor, ductwork for exhaust hoods).

j. Within the Lively Area, the primary mobility emphases are safe, comfortable pedestrian movement and regular transit service.

k. Mid-block crossings should be allowed and encouraged to enhance pedestrian circulation.

l. Public and private infrastructure should accommodate first and last-mile mobility solutions such as bikes, scooters, and ridesharing.

m. Vehicular access will also be supported. Bluff Street and St. George Boulevard will continue as high volume auto-oriented corridors.

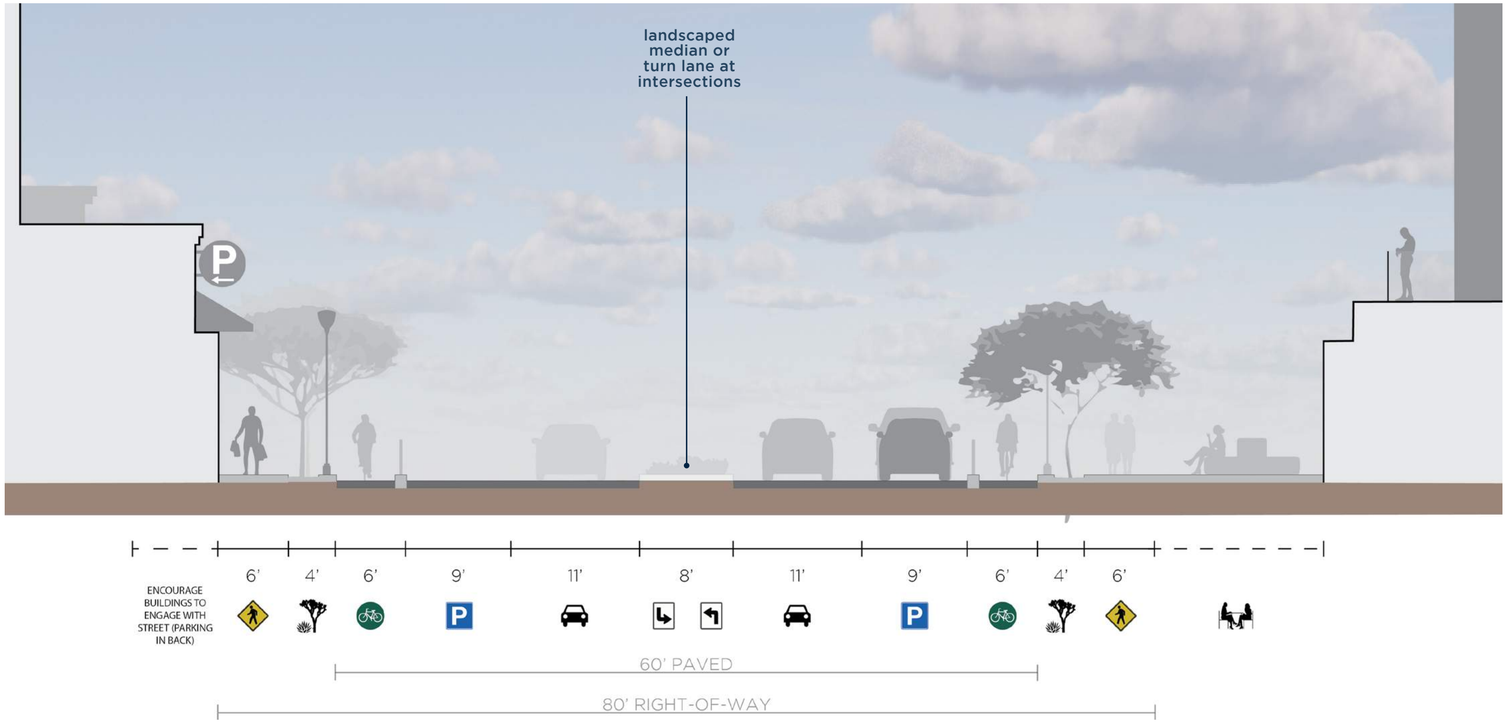
n. Off-street parking should be behind buildings or in the interior of the block rather than along the front street face.

o. Explore updates to parking requirements that encourage redevelopment and a compact walkable district; structured and shared parking is strongly encouraged.

p. Shade trees and other shade and cooling solutions are encouraged.

q. To support a compact district, required lot area for landscaping should be minimal, while providing for street trees and water wise plantings.

Complete Street Diagram for the Lively area at South Main



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St.George 2040

DOWNTOWN A

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LETTER FROM THE MAYOR

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ARTS & CULTURE



LIFESTYLE

Downtown neighborhoods offer convenient access to employment, education, services, and daily needs. Downtown St. George hosts neighborhoods that are diverse in character but consistently preserve historic assets and offer safe and appealing environments for residents in all stages of life. Lifestyle is supported by strategies and actions under many other principles.

To offer desirable neighborhoods and housing, St. George will pursue the following vision and strategies:

1.1 PURSUE DISTINCTIVE DOWNTOWN CHARACTER

a. Placemaking is a critical element of establishing Downtown as a thriving activity center for the community. Downtown includes four character types - Traditional Neighborhood, Connected Neighborhoods, Connected Corridors, and Lively Areas.
b. Align Downtown zoning regulations to Character Area policies, with appropriate transitions.
c. Approve development proposals that are consistent with the Character Areas vision and policies.
d. Develop, make publicly available, and periodically refresh an guideboook of development and design images that are consistent with each Character Area.
e. Strengthen the identity of Downtown neighborhoods through branding and signage.
f. Enhance the sense of place in the Arts District and adjacent to Utah Tech University campus with distinctive investments such as banners, murals, signage, etc.
g. Enhance Downtown to celebrate St. George as a university town, especially adjacent to Utah Tech University campus, by encouraging and supporting uses that serve the needs of students and faculty.

St.George 2040

DOWNTOWN AREA PLAN

DOWNTOWN CHARACTER AREAS

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ACCESSIBLE CITY

RESOURCE DOCUMENTS

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1.2 SUPPORT SAFE, STABLE, AND CONVENIENT DOWNTOWN NEIGHBORHOODS

Downtown residents value the safety, stability, and convenience of their neighborhoods.

a. Encourage property owners to maintain, upgrade, and occupy Downtown homes.
b. Allow infill housing and a mix of uses in Downtown neighborhoods consistent with the Character Areas policies.
c. Improve walkability through pedestrian enhancements, Complete Streets roadway improvements, and an Urban Trails Network as shown on page 28.
d. Integrate urban design elements known to reduce crime within the Downtown zoning regulations and design guidelines.
e. Mitigate the perception of diminished safety that often accompanies population growth and increased density as indicated in the General Plan policies and including data specific to Downtown.

1.3 HOUSE ALL AGES AND STAGES

Downtown offers opportunities to add new housing consistent with the Moderate Income Housing Plan. Revitalization areas are appropriate locations to allow more small footprint, multistory, and multifamily units.

a. Use Character Area designations to guide which housing types are appropriate in various Downtown locations, allowing desired types by right.
b. When deciding development proposals, give strong consideration to the community's need and desire -- documented in adopted Plans -- to provide attainable and small footprint housing options.
c. Update the Downtown zoning regulations to allow more diverse moderate income housing consistent with the Moderate Income Housing Plan and Character Areas.
d. Help make developments that provide new attainable housing units more feasible, allow for increased height, reduced setbacks, and similar development benefits.
e. Encourage infill housing for students and families of students in proximity to Utah Tech University, consistent with designated Character Areas.
f. Participate in the Housing Action Coalition regarding regional attainable housing strategies.
g. Update the Accessory Dwelling Units regulations consistent with the policy direction of the General Plan, to address Landmark properties, to encourage reinvestment in Downtown residential properties, and to support an increase in housing supply in Downtown.

1.4 ENGAGE THE COMMUNITY IN A FRIENDLY DOWNTOWN

While offering entertainment and a lively atmosphere, Downtown's activity centers should remain safe and comfortable for all community members.

a. Support the welcoming, giving, and engaged spirit of the community by fostering opportunities for residents to participate in improvements within their neighborhoods.
b. Continue to provide City facilities that host community events, activities and gathering opportunities, such as Sun Bowl, Town Square, and the Electric Theater.
c. Enhance pedestrian scale lighting in Downtown public spaces and streets to invite the community to continue use after dark.
d. Improve walkability through pedestrian enhancements connecting dining, arts, leisure and services in Downtown activity centers.
e. Encourage the expansion of entertainment businesses for all age groups through favorable zoning regulations.
f. Expand activities for all age groups in civic spaces within Lively Character Areas.
g. Encourage Washington County School District to retain public schools in Downtown to serve current and future downtown students.



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St.George 2040

DOWNTOWN AREA PLAN

DOWNTOWN CHARACTER AREAS

LIFESTYLE

RESPONSIBLE GROWTH

ECONOMIC VITALITY

ARTS & CULTURE

CONNECTION TO NATURE

ACCESSIBLE CITY

RESOURCE DOCUMENTS

DRAFT



RESPONSIBLE GROWTH

St. George is experiencing substantial growth and anticipating more in the coming decades. Downtown will accommodate a share of that growth with new housing and businesses. Guiding growth in Downtown can minimize negative impacts and advance community values such as making space for more businesses and residents, water-efficient development, and offering attainable housing options for all ages and stages of residents.

To guide growth in Downtown that is consistent with the community's overall growth vision, St. George will pursue the following vision and strategies:

2.1 STIMULATE COMMERCIAL REVITALIZATION

Downtown buildings are, on average, older than other parts of St. George. On some commercial properties in Downtown, existing structures have less monetary value than the underlying land. Where such properties are clustered, infill and redevelopment can revitalize the area by increasing housing and supporting existing and new businesses.

a. Encourage multistory, vertical mixed use development and community gathering spaces in Lively Character Areas; and mixed commercial and infill housing in Connected Corridor Character Areas.

b. Encourage owners to maintain and refresh commercial properties' appearance and value.

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2.2 ENCOURAGE RESIDENTIAL REINVESTMENT AND MAINTENANCE

Downtown neighborhoods today contain a healthy and diverse mix of single and multifamily housing in one-story and two-story formats. Some properties include an accessory dwelling unit, apartment, or second house for extended family members or to provide rental income.

a. Allow variation in the single and multifamily residential mix as directed by Character Area policies.
b. Encourage upkeep and maintenance of multifamily properties through supportive programs and regulations.
c. Allow and encourage residential property updates and reinvestment through streamlined approvals of building expansions up to the full zoned height and footprint.
d. Explore zoning incentives that encourage redevelopment on parcels where the Assessor's records indicate that the building value is less than the land value.
e. Offer a temporary, well-publicized "amnesty" period and thereafter, enforce the existing rental dwelling unit licensing requirement that ensures existing unregistered Downtown units are safe and habitable.

2.3 ADVANCE COMPACT DEVELOPMENT TO MAKE EFFICIENT USE OF LAND AND WATER

Compact Downtown land development patterns as exist today and envisioned in this Plan are inherently land efficient and water efficient compared to many other St. George neighborhoods. Accommodating a portion of growth through higher intensity infill and redevelopment offers opportunities to implement related policies of both this Plan and the General Plan.

a. Complete a capacity analysis to identify whether Downtown infrastructure can meet the needs of higher intensity land use from redevelopment and revitalization; prioritize any needed upgrades.
b. Study the potential to scale the City's per unit impact fees across unit sizes, considering relative impacts of more compact development forms such as are prevalent in Downtown.
c. Implement landscaping requirements in Downtown new construction and infill projects that support compact development and utilize water wise plantings.
d. Periodically review the mapping of Character Areas to determine if any mapping adjustments are desireable to better implement responsible growth.

ECONOMIC VITALITY

Downtown is an important commercial center within the system of distributed commercial nodes throughout St. George. Its historic and ongoing employment niches of governance, education, and visitor services are unique to the City and region. Its retail niche is in dining, entertainment, and local specialty shops, with a base of essential retail such as grocery.

Arts — a distinctive and important aspect of the Downtown economy — is addressed under the Art & Culture section.

To position Downtown for continued economic success, St. George will pursue the following vision and strategies:

3.1 SUPPORT A VIBRANT OFFICE AND COMMERCIAL NODE

Downtown sits among a system of distributed nodes that provide convenient employment and commercial access to areas of St. George. Downtown's commercial uses are predominantly professional offices, lodging, dining, entertainment, and small-scale specialty retail, with some community and neighborhood-serving commercial uses.

a. Develop and enhance activity centers and expand housing options within Downtown to help businesses attract and retain talented workers.
b. Convert underutilized right-of-way travel lanes in activity centers to expanded public sidewalks and seating areas.
c. To advance goals of this plan through public-private partnership, consider dedicating portions of underutilized right-of-way as a development incentive.
d. Review zoning and update as needed to ensure desired mixed and commercial uses including resturant and retail are easy to establish in Downtown.
e. Build infrastructure connecting Downtown to other adjacent commercial centers and identify ways to enhance the synergy between Downtown and these areas (e.g., Utah Tech University, Tech Ridge, Hospital, Sunset Corner.)



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3.2 REMAIN THE REGIONAL CENTER OF GOVERNANCE

Since the founding of St. George, the Downtown area has been the seat of local and regional governance. Downtown's niche within the system of commercial nodes in St. George depends on retaining a strong cluster of City, County, and School District administrative services and workers.

a. Maintain City offices and services, and city-owned facilities, in Downtown.
b. Coordinate and collaborate with other governance entities, encouraging them to retain administartive offices and services in Downtown.

3.3 RETAIN AND PROMOTE INDEPENDENT AND LOCAL BUSINESSES

Community members value the many local, independent businesses that give Downtown a distinctive character. Support for business can take many forms.

a. Increase patronage by adding more housing and residents in Downtown.
b. Develop and manage lively, well-lit, activated community spaces to invite patrons to visit and linger in Downtown.
c. Provide targeted grant assistance to support enhancements to local and independent businesses and property owners (such as facade upgrades, outdoor patios, shade and cooling, grease interceptors, or similar as needs are identified).
d. Offer affordable space for start-up local and independent businesses, helping them get established in Downtown.
e. Support and invite existing and new Downtown shops and restaurants.

3.4 EMBRACE POST-SECONDARY & UNIVERSITY EDUCATION

Strong public schools enhance the livability and appeal of Downtown's neighborhoods. Utah Tech University is an important economic driver and asset located in Downtown.

a. Support Utah Tech University's Master Plan and efforts to better integrate the campus with Downtown.
b. Improve streets and trails to enhance bicycle and pedestrian access between campus and adjacent destinations.
c. Allow new housing development for students via revitalization in Lively, Connected Character, and Connected Neighborhood Character Areas.
d. Collaborate with Utah Tech University on branding efforts near campus and along key access routes.







Existing character along Tabernacle between UTU and the Arts District



Proposed character along Tabernacle between UTU and the Arts District with potential development and streetscape improvements

3.5 WELCOME AND SERVE VISITORS

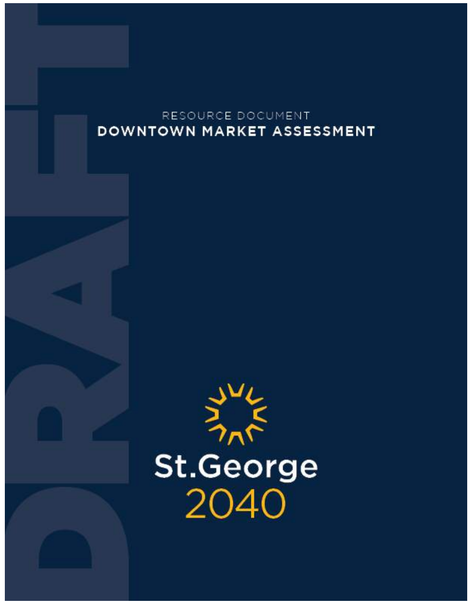
Visitors help support St. George business, arts, and overall economy, allowing for a wider range of options than the community can support on its own.

a. Work closely with regional and area organizations to help promote Downtown's offerings and attractions.
b. Retain a strong cluster of visitor services and lodging in and near Downtown.
c. Within a comprehensive wayfinding and signage program, enhance directional signage to help visitors navigate to and through Downtown efficiently.

3.6 ENHANCE DOWNTOWN DISTRICT ACTIVATION

Coordination among Downtown merchants, arts and cultural venues, property owners, and event organizers can offer synergistic benefits for all. Activities that invite community members to gather in community spaces and linger maximize the benefit of investments in community spaces.

a. Increase the City's leadership role and capacity to collaborate with private and institutional partners on activation of the North Main Lively Character Area.
b. Strengthen City Partnerships between Arts and Economic Development departments.
c. Activate the district with regular, worker-friendly and family-friendly activities on weekend days and evenings.
d. Coordinate collaborative marketing and branding efforts for Downtown, including media, events, banners and similar.
e. Coordinate arts performances and events with evening merchant hours to extend informal evening leisure for patrons.





ARTS & CULTURE INTEGRATION

Downtown embodies the foundation of our historic settlement as well as the creative expression of our current culture. With a designated Arts District, Downtown is the ideal place to cluster and promote a rich diversity of venues, events, and performances. In addition to their inherent value and contribution to lifestyle, arts & culture are an important economic driver in Downtown.

To enhance cultural, arts, and historic assets in Downtown, St. George will pursue the following vision and strategies:

4.1 PROTECT HISTORIC ASSETS AND CHARACTER

Historic buildings preserve heritage and lend character to Downtown, which are valued by the St. George community and history-loving visitors.

a. Encourage property owners to register historic properties with the National Register of Historic Places to enable opportunities for tax credits to support restoration and preservation and preserve the history of the community.

4.2 PROMOTE HISTORIC ASSETS AND INTERPRETATION OF SOUTHERN UTAH'S PIONEER HISTORY

Downtown offers unique historical assets from St. Geroge's rich Pioneer history. Some key assets have Historic Landmark status and interpretive signage, but many do not.

a. Connect Downtown to surrounding historic, archaeological, and cultural assets with public access, and protect any such assets as may be discovered in Downtown in the future.
b. Promote the Landmark historic designation opportunity to property owners of eligible properties, and support those that choose to pursue designation.
c. Update zoning and development design regulations to protect historic buildings, providing design compatibility, transitions and buffers from infill and redevelopment.
d. New development in areas with historic character should complement but not replicate historic features

4.3 ENHANCE ARTS, EVENTS, AND ACTIVITIES

Public art enhances Downtown, while the arts district offers a range of cultural organizations and venues. Longstanding, large-scale community events should continue in Downtown. Adding frequent, small-scale activities can help activate and invite the community to frequent Downtown without substantial traffic and parking impacts.

a. Continue to own and provide subsidized public facilities for the use of arts and cultural organizations
b. Continue to foster partnerships and support additional performance venues in the Arts District.
c. Continue to provide City support for public art programs in Downtown.
d. Incorporate art into Downtown publicly owned buildings, public infrastructure, and public-private development projects.



Downtown includes incredible historic structures that reflect the pioneer heritage of the community.

e. Offer diverse large-scale events in Downtown that gather community members and help foster and retain a connected, friendly, small-town feel.
f. Manage Downtown to activate community spaces such as parks and plazas with small-scale social activities.
g. Continue pedestrian enhancements between arts venues, civic buildings, dining and shops to link to new facilities and encourage reinvestment.
h. Encourage and create policy guidance for murals and other artistic treatments on blank, non-historic building facades.

4.4 OFFER INVITING SPACES FOR INFORMAL GATHERING AND ENTERTAINMENT

Residents seek the opportunity to linger in Downtown before and after purpose-driven visits. Informal entertainment spaces offer opportunities for community connection and identity.

a. Develop and enhance spaces for informal gathering and entertainment for people of all ages in activity centers.
b. Encourage private dining and shopping adjacent to and within public gathering spaces, to enliven and provide reasons to linger.
c. Use lighting and furnishings in community spaces to enhance safety and invite evening social use.
d. Encourage public access plazas and seating areas as part of private development to activate street edges.
e. Enhance the design features on Main Street to add more outdoor seating capacity and enhance the ability to use it for festivals and events.
f. Analyze the best use and configuration of Zion Square to help activate the surounding Lively Area.
g. Investigate and consider adopting policies to invite and monitor buskers in the Arts District.
h. Identify and implement specific enhancements to Town Square to advance the economic vitality, arts and culture, and lifestyle vision of this plan.







CONNECTION TO NATURE

The natural beauty of St. George is a vital asset to the city and its residents. Downtown landscaping includes native and desert species, offers urban-scale recreation opportunities, and is connected through views and trails to the recreation and beauty of the surrounding desert environment.

To preserve and enhance Downtown's connection to nature, St. George will pursue the following vision and strategies:

5.1 CONNECT DOWNTOWN VIA AN URBAN TRAIL NETWORK

The trail network is a highly valued asset in St. George that should be connected and extended into and through Downtown.

a. Implement the Parks, Recreation, and Trails Plan and add bike lanes and pedestrian enhancements to connect the trail network in and through Downtown.
b. Conduct a walk shed analysis to Downtown trails, parks, and greenspace to identify average walk times and opportunities to improve access. Incporporate walk time signage in a comprehansive Downtown wayfinding and signage program.
c. Create an Urban Trail Network that links Downtown residents, workers, and visitors to parks, trails, and other recreation amenities as shown on page 31. ➡
d. Develop pedestrian connections from activity centers in Downtown to nearby destinations such as Utah Tech University, the Hospital, Tech Ridge, etc.
e. Build trails that ascend steep slopes to connect Downtown physically to nearby bluffs.

5.2 MAINTAIN AND ADD PARKS & NATURAL SPACES

Downtown parks and open spaces are important amenities that contribute to a high quality of life for residents, workers, community members, and visitors. Downtown redevelopment will implement water wise landscaping requirements.

a. Maintain and periodically refresh existing parks in Downtown. Implementing water wise landscaping except where traditonal turf is warranted for active uses.
b. Implement the Parks, Recreation, and Trails Plan as it relates to Downtown.
c. Encourage street tree maintenance in the public right of way.
d. Develop a City program to expand the street tree canopy in Downtown.
e. Encourage privately managed pocket parks and natural spaces within in infill development that can serve occupants. Implement water wise landscaping.
f. Consider adding a small (less than 3 acres) urban parks category to City managed parks in order to allow the private sector to develop and convey new public green spaces in Downtown.

5.3 PRESERVE BLUFF VIEWS

A location nestled beneath the desert bluffs is an asset in Downtown. Views of bluff features retain this connection to nature and history.

a. Protect bluffs from additional scarring through the Hillside Ordinance, while allowing for trail access.
b. Protect scenic views by maintaining existing wide rights of way in public use or unobstructive use such as landscaped areas, outdoor seating, etc.

5.4 AVOID HAZARDS AND PROTECT SENSITIVE LANDS

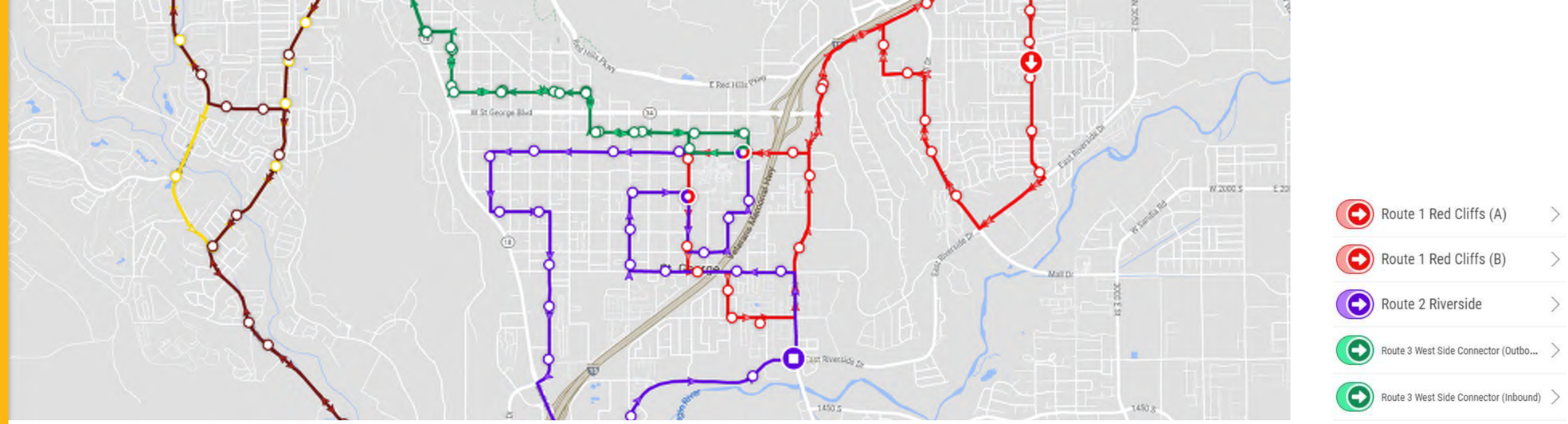
Steep slopes on private property in north and southwest portions of Downtown are subject to rockslide and other hazards that have resulted in condemnation of private development.

a. Updates to the Hillside Ordinance directed in the General Plan Connected to Nature Element should include consideration of any provisions specific to Downtown.





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ACCESSIBLE CITY

At the physical center of the community, Downtown is a connection point for roads, transit lines, and trails that accommodate diverse mobility options. Walkable Downtown neighborhoods envisioned in this DAP will increase convenience and help reduce traffic and parking impacts of accommodating growth.

To offer safe, connected, accessible mobility to and within Downtown, St. George will pursue the following vision and strategies:

6.1 ACCOMMODATE VARIED TRAVEL MODES SAFELY

Diverse modes of travel will be accommodated in Downtown, including vehicles, transit, bicycles and pedestrians. In Downtown, the focus of transportation is on mobility and the pedestrian experience, rather than traffic volumes. In order to encourage all modes, enhance some routes for vehicular flow and others for alternative modes.

a. Enhance Downtown roadways to provide comfortable movement on diverse modes in accordance with the Downtown Connections Map and adopted city street sections as shown on the following pages.
b. Implement the adopted Complete Streets policy in Downtown consistent with the Streets hierarchy on page 31.
c. Update planned improvements for 100 South to a Complete Streets treatment, aligned with the General Plan.
d. Collaborate with Utah Tech University to plan and implement enhanced entryway and pedestrian connections from Utah Tech University to Downtown activity centers.
e. Refresh and implement a comprehensive wayfinding and signage plan for Downtown.

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St.George 2040

DOWNTOWN AREA PLAN

DOWNTOWN CHARACTER AREAS

LIFESTYLE

RESPONSIBLE GROWTH

ECONOMIC VITALITY

ARTS & CULTURE

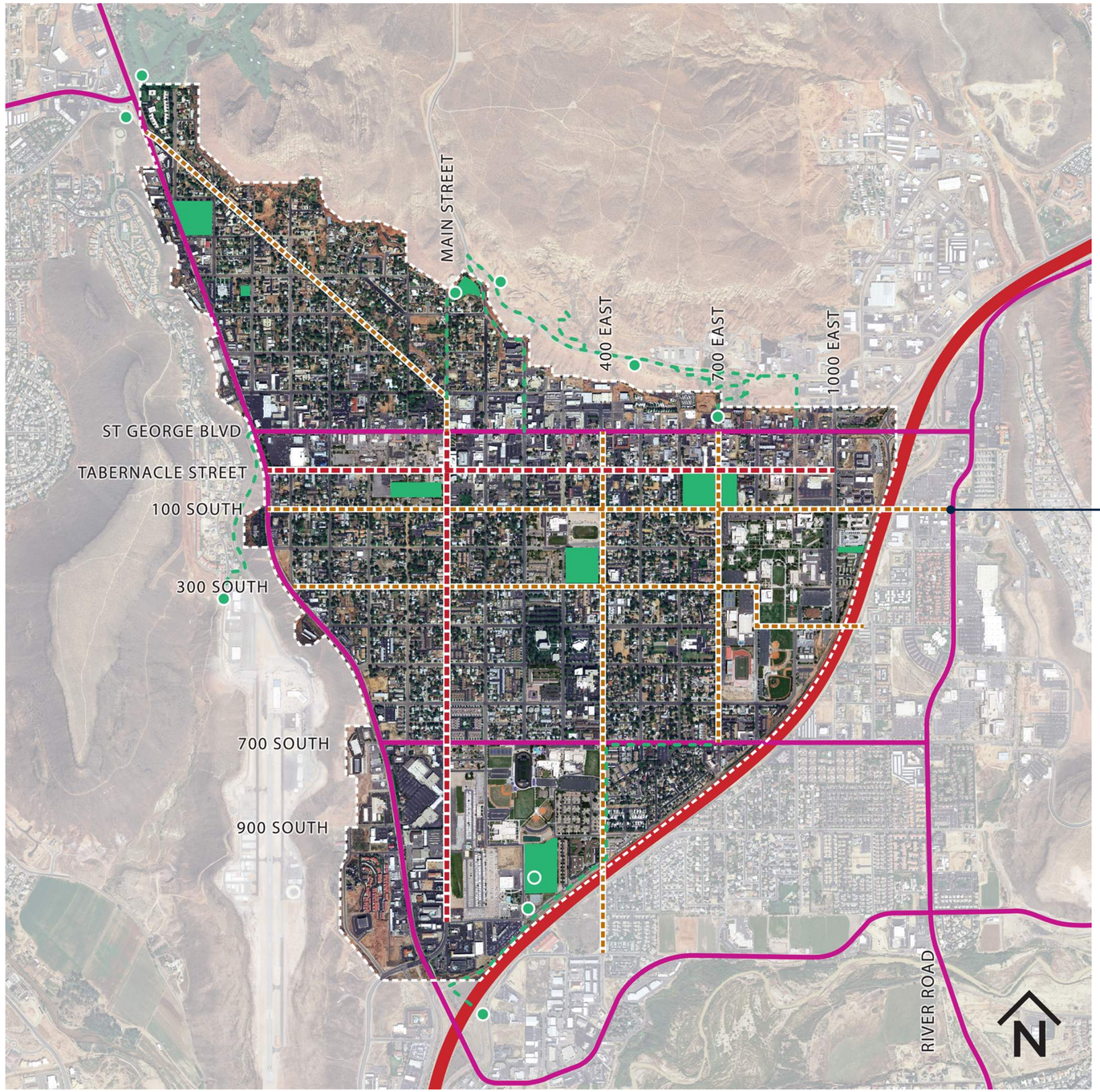
CONNECTION TO NATURE

ACCESSIBLE CITY

RESOURCE DOCUMENTS

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Downtown Connections Map



100 South is envisioned to be improved as a complete street, and a **primary transit route** connecting the St. George Hospital to Utah Tech University, the Arts District, and ultimately, Tech Ridge

St.George 2040

DOWNTOWN AREA PLAN

DOWNTOWN CHARACTER AREAS

LIFESTYLE

RESPONSIBLE GROWTH

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ARTS & CULTURE

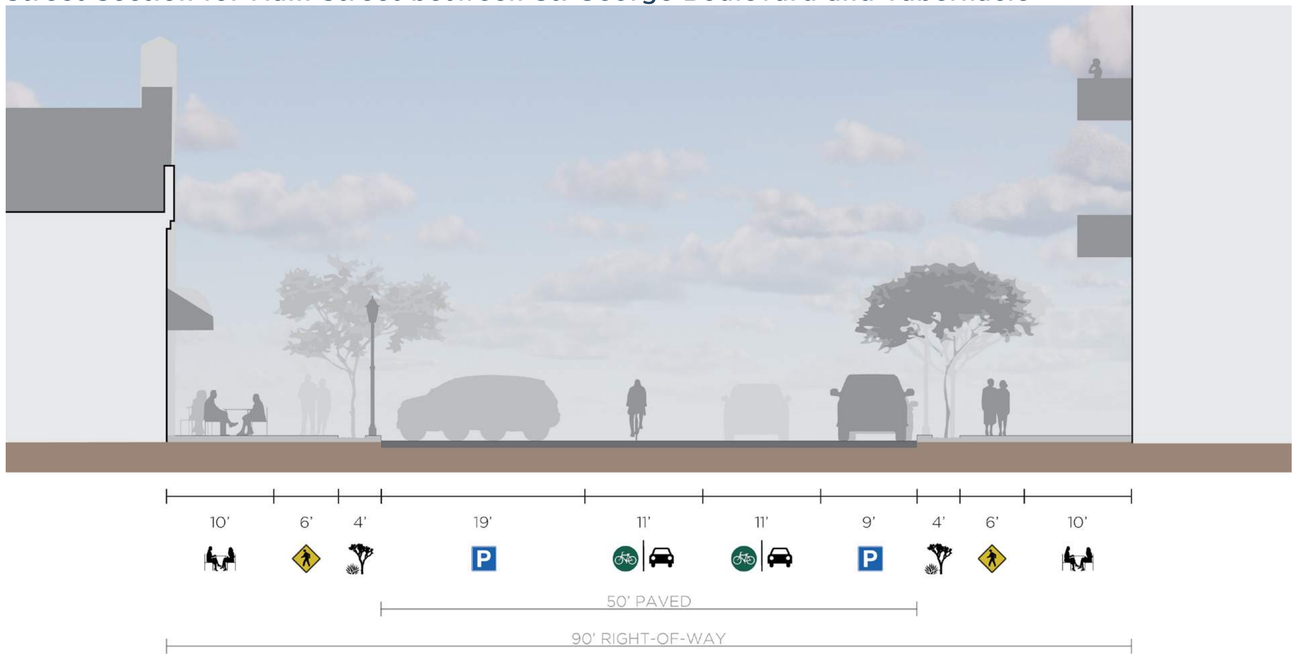
CONNECTION TO NATURE

ACCESSIBLE CITY

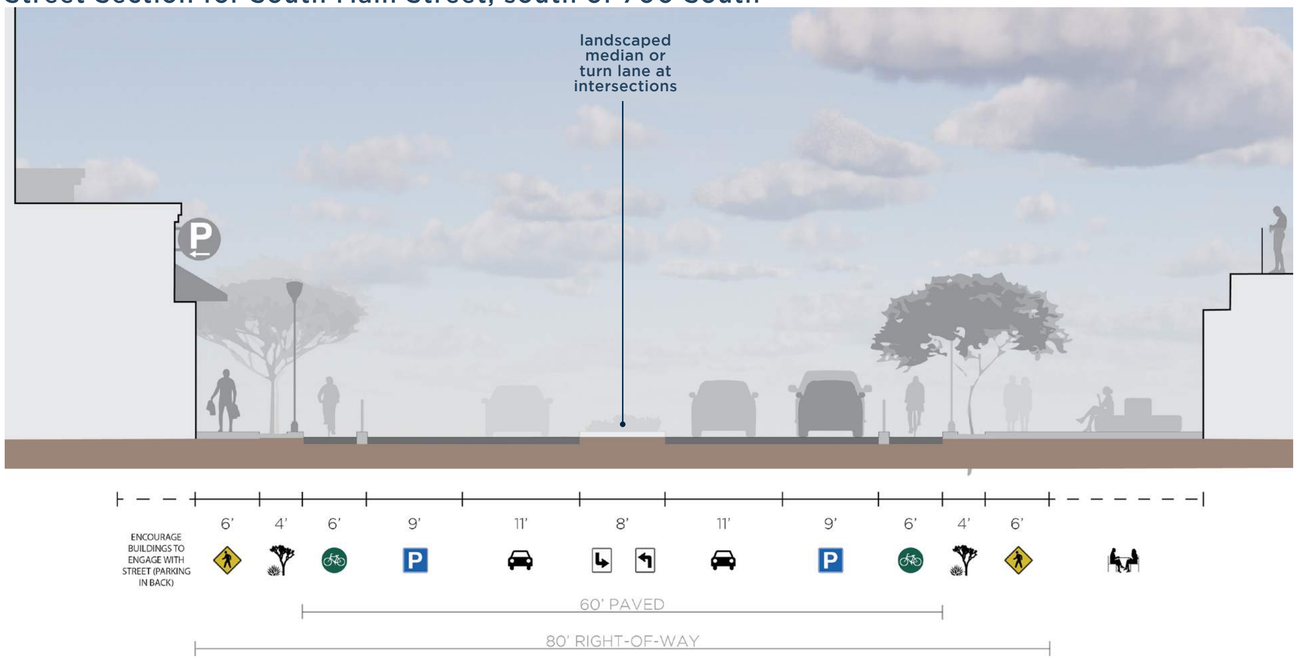
RESOURCE DOCUMENTS

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Street Section for Main Street between St. George Boulevard and Tabernacle



Street Section for South Main Street, south of 700 South



St.George 2040

DOWNTOWN AREA PLAN

DOWNTOWN CHARACTER AREAS

LIFESTYLE

RESPONSIBLE GROWTH

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ARTS & CULTURE

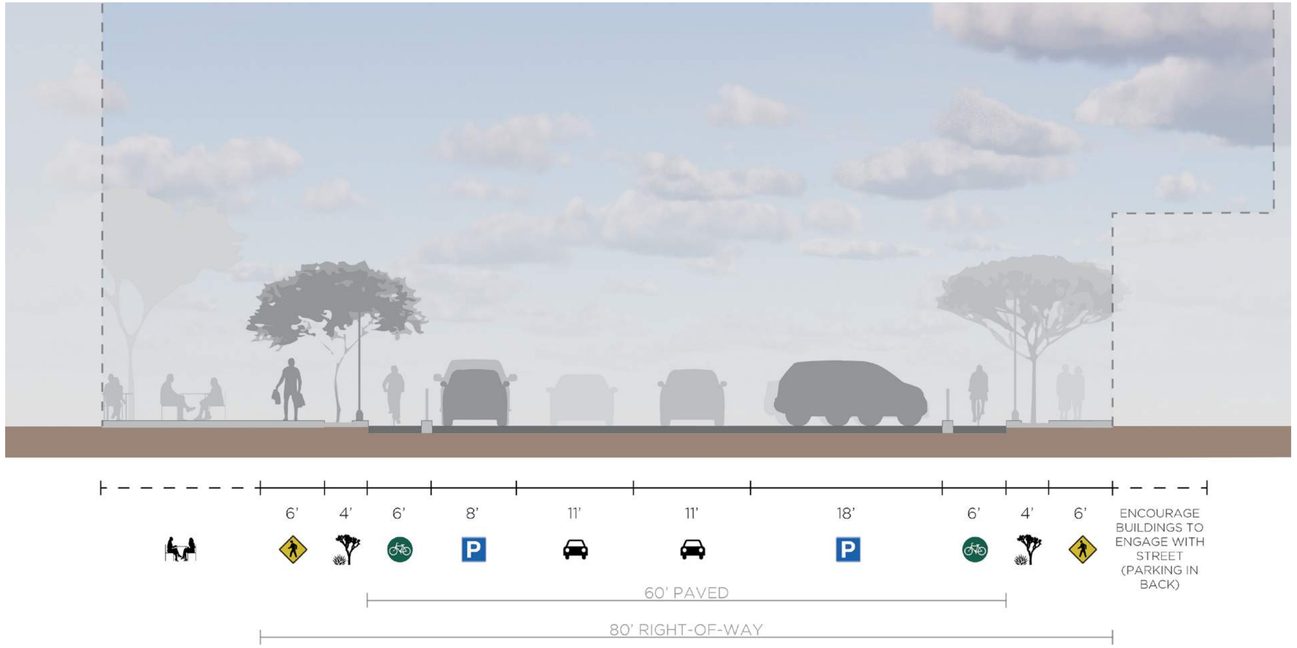
CONNECTION TO NATURE

ACCESSIBLE CITY

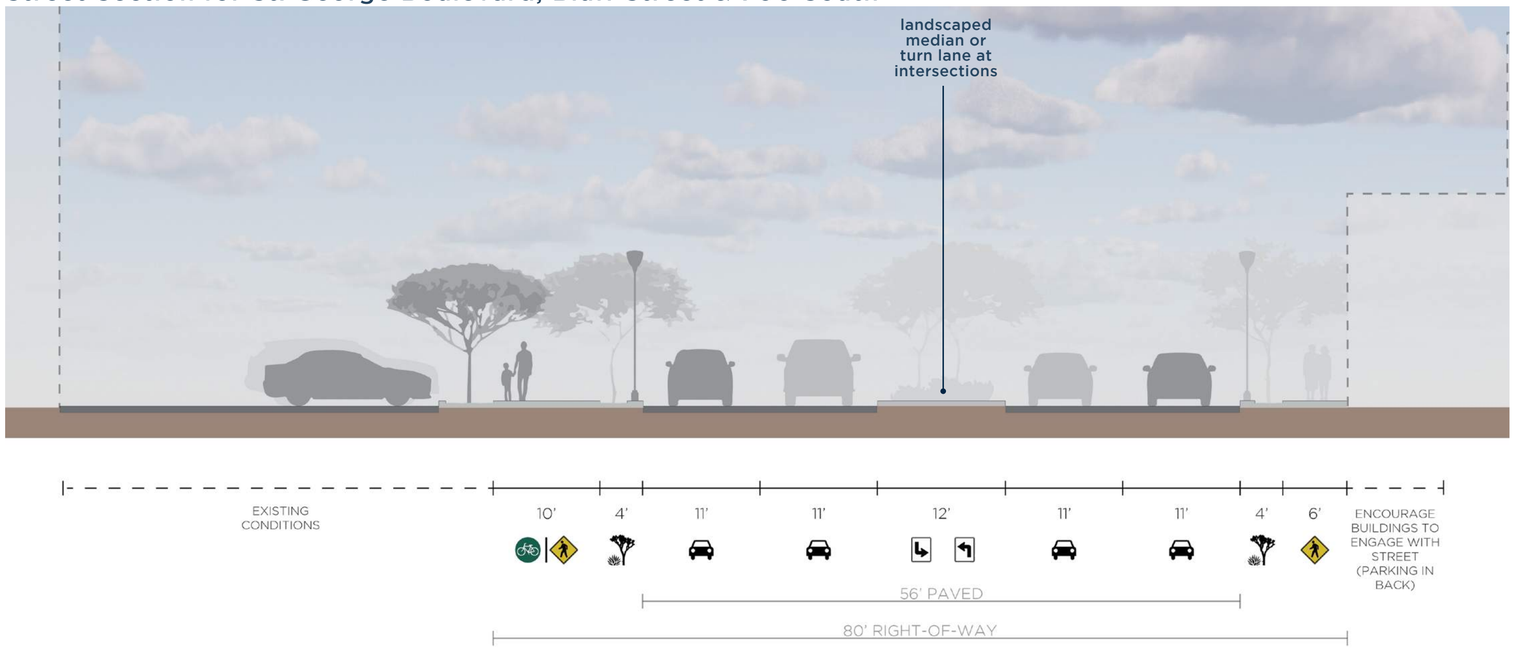
RESOURCE DOCUMENTS

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Street Section for Tabernacle



Street Section for St. George Boulevard, Bluff Street & 700 South



St.George 2040

DOWNTOWN AREA PLAN

DOWNTOWN CHARACTER AREAS

LIFESTYLE

RESPONSIBLE GROWTH

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ARTS & CULTURE

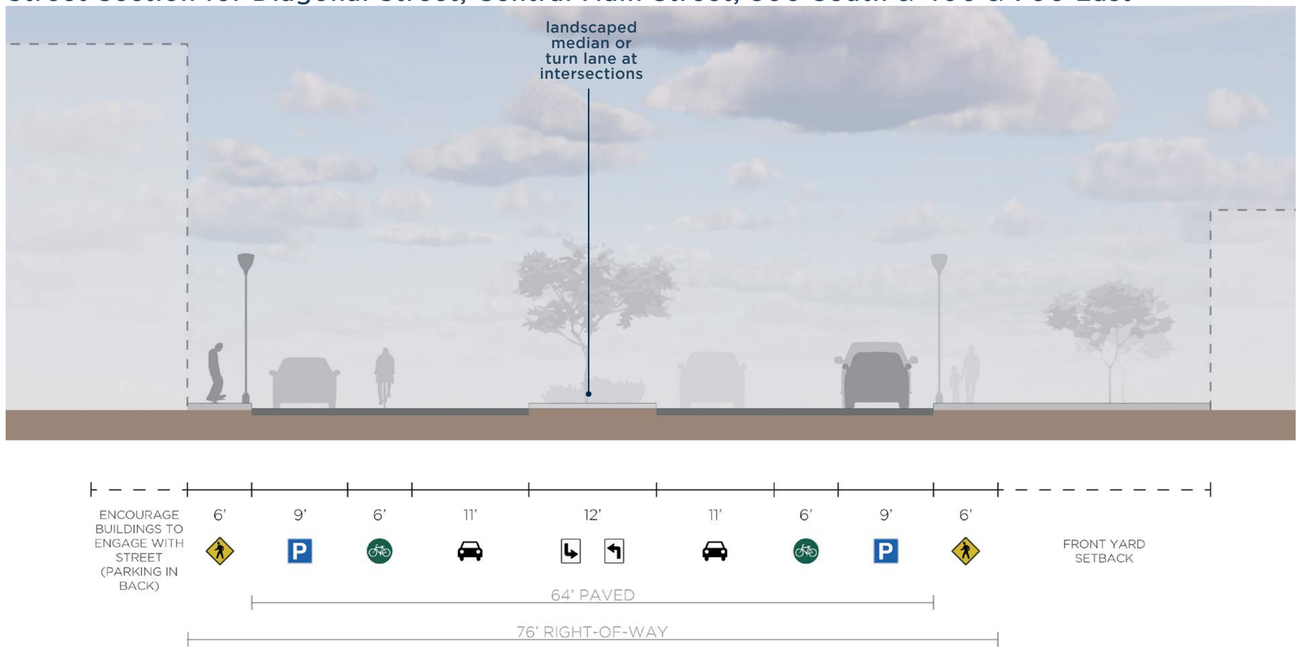
CONNECTION TO NATURE

ACCESSIBLE CITY

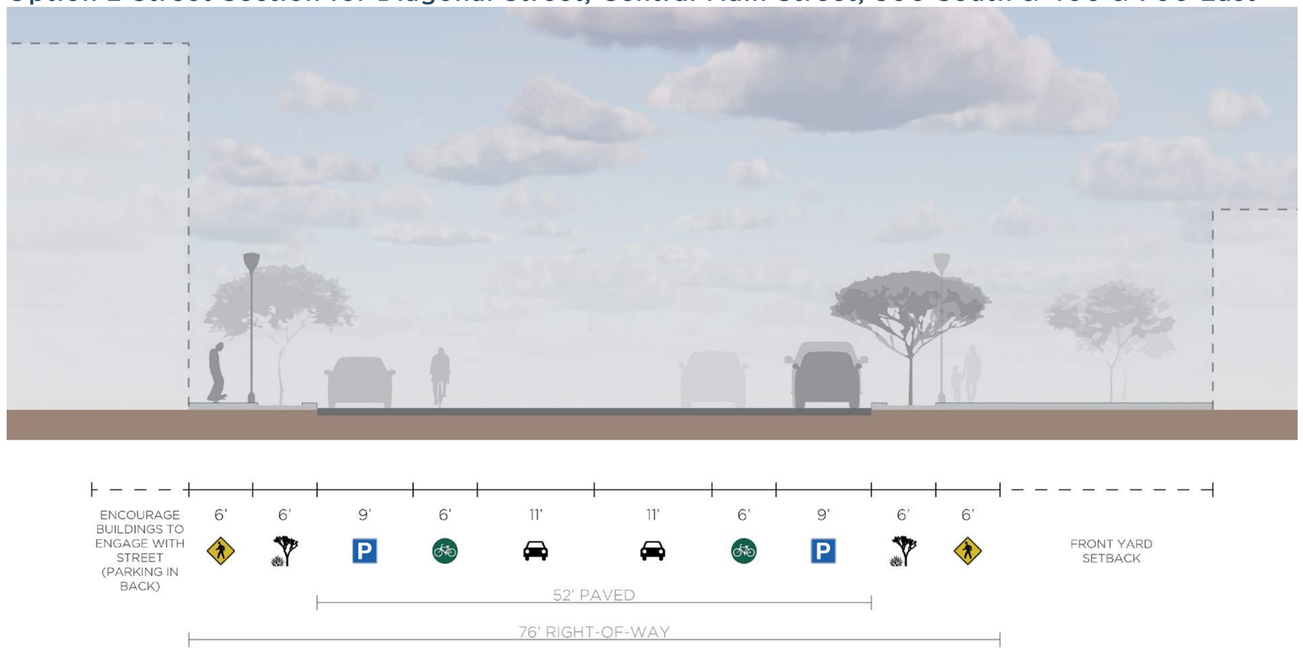
RESOURCE DOCUMENTS

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Street Section for Diagonal Street, Central Main Street, 300 South & 400 & 700 East



Option 2 Street Section for Diagonal Street, Central Main Street, 300 South & 400 & 700 East



St.George 2040

DOWNTOWN AREA PLAN

DOWNTOWN CHARACTER AREAS

LIFESTYLE

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ARTS & CULTURE

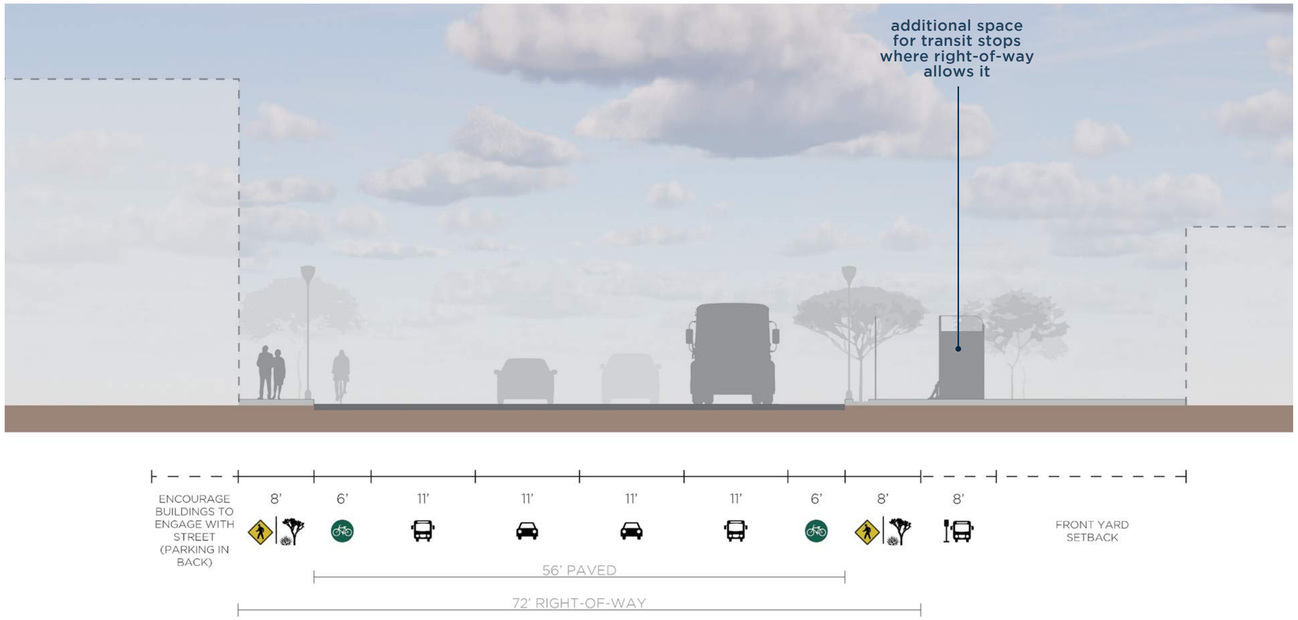
CONNECTION TO NATURE

ACCESSIBLE CITY

RESOURCE DOCUMENTS

DRAFT

Street Section for 100 South



6.2 MANAGE PUBLIC PARKING SUPPLY

The 2021 parking study shows that management of free public parking resources in the arts district could improve patron convenience and encourage pedestrian circulation. With new growth and infill development, structured and shared parking may be increasingly important to providing supply proximate to demand.

a. Provide improved signage to direct visitors to public parking facilities.
b. Manage public parking structures to invite and encourage use by enhancing signage and lighting, moving long-term parking to upper floors, and similar strategies to make existing parking more accessible.
c. Limit duration of free parking in and adjacent to the Arts District to ensure patron access to businesses; periodically assess the need for additional parking management actions.
d. Encourage the use of shared parking in new developments.
e. Analyze Downtown parking regulations to determine whether updates are needed to support compact, mixed use redevelopment.
f. Consider implementing a parking application to support parking Downtown.

6.3 CONTINUE TO INVEST IN TRANSIT TO SERVE RESIDENTS AND WORKERS

Most St. George Downtown workers live outside of Downtown and most Downtown residents work outside of Downtown. Transit is critical to connect workers and residents to jobs and daily needs. A long term goal is to make carless living practical in Downtown's Lively and Connected Corridor Character Areas.

a. Retain Downtown as the central hub of the transit system, consistent with the 2020 SunTran Transit Study recommendations.
b. Designate locations for rideshare drop-off within the Arts District to reduce traffic flow disruptions and increase user safety.
c. Implement pedestrian-friendly improvements within walking distance from the transit hub and other high use transit stops in Downtown as directed in the Parks, Recreation, and Trails plan.
d. Recommend an east-west transit route that connects Tech Ridge, Utah Tech University and St. George Regional Hospital consistent with modal roadway hierarchy in Downtown Connections Map on page 31.

St.George 2040

DOWNTOWN AREA PLAN

DOWNTOWN CHARACTER AREAS

LIFESTYLE

RESPONSIBLE GROWTH

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ARTS & CULTURE

CONNECTION TO NATURE

ACCESSIBLE CITY

RESOURCE DOCUMENTS

DRAFT



RESOURCE DOCUMENTS

- *City of St. George Complete Streets policy*
- *City of St. George Hillside Ordinance*
- *City of St. George Housing Action Coalition*
- *City of St. George Moderate Income Housing Plan*
- *City of St. George Parks, Recreation, and Trails Plan*
- *City of St. George Active Transportation Plan*
- *Downtown St. George DRAFT Parking Study 2021*
- *Downtown St. George Vibrancy Strategies 2022*
- *SunTran Transit Study*
- *United States Census Bureau On the Map*
- *Utah Tech University (formerly Dixie State University) Master Plan*
- *Washington County Water Conservation Plan*

Exhibit C
PowerPoint Presentation

St.George

SHAPING THE FUTURE OF ST. GEORGE

- DOWNTOWN AREA PLAN
- GENERAL PLAN



Agenda

Downtown Area Plan Vision

Downtown Area Plan Goals

Downtown Character Areas

- Area Boundaries
- Area Vision
- Building Scale, Mass, Features
- Character Examples

Downtown Plan Implementation

Downtown is the safe, vibrant, historic center of our City and region, offering unique employment, education, entertainment, and entrepreneurship opportunities. Downtown welcomes all community members to gather and thrive, consistent with its primary roles as the seat of government, home to residents in all stages of life, and showcasing local history, arts, events, and culture.



Goals: Lifestyle

Downtown neighborhoods offer convenient access to employment, education, services, and daily needs. Downtown St. George hosts neighborhoods that are diverse in character but consistently preserve historic assets and offer safe and appealing environments for residents in all stages of life. Lifestyle is supported by strategies and actions under many other principles.

To offer desirable neighborhoods and housing, St. George will pursue the following vision and strategies:

1.1 Pursue Distinctive Downtown Character

1.2 Support Safe, Stable, and Convenient Downtown Neighborhoods

1.3 House All Ages and Stages

1.4 Engage the Community in a Friendly Downtown

Goals: Responsible Growth

St. George is experiencing substantial growth and anticipating more in the coming decades. Downtown will accommodate a share of that growth with new housing and businesses. Guiding growth in Downtown can minimize negative impacts and advance community values such as making space for more businesses and residents, water-efficient development, and offering attainable housing options for all ages and stages.

To guide growth in Downtown that is consistent with the community's overall growth vision, St. George will pursue the following vision and strategies:

2.1 Stimulate Commercial Revitalization

2.2 Encourage Residential Reinvestment and Maintenance

2.3 Advance Compact Development to Make Efficient Use of Land and Water



Goals: Economic Vitality

Downtown is an important commercial center within the system of distributed commercial nodes throughout St. George. Its historic and ongoing employment niches of governance, education, and visitor services are unique to the City and region. Its retail niche is in dining, entertainment, and local specialty shops, with a base of essential retail such as grocery.

To position Downtown for continued economic success, St. George will pursue the following vision and strategies:

3.1 Support a Vibrant Office and Commercial Node

3.2 Remain the Regional Center of Governance

3.3 Retain and Promote Independent and Local Businesses

3.4 Embrace Post-Secondary & University Education

3.5 Welcome and Serve Visitors

3.6 Enhance Downtown District Activation



Goals: Arts & Culture Integration

Downtown embodies the foundation of our historic settlement as well as the creative expression of our current culture. With a designated Arts District, Downtown is the ideal place to cluster and promote a rich diversity of venues, events, and performances. In addition to their inherent value and contribution to lifestyle, arts & culture are an important economic driver in Downtown.

To enhance cultural, arts, and historic assets Downtown, St. George will pursue the following vision and strategies:

4.1 Protect Historic Assets and Character

4.2 Promote historic assets and interpretation of Southern Utah's Pioneer history

4.3 Enhance Arts, Events, and Activities

4.4 Offer Inviting Spaces for Informal Gathering and Entertainment





Goals: Connection to Nature

The natural beauty of St. George is a vital asset to the city and its residents. Downtown landscaping includes native and desert species, offers urban-scale recreation opportunities, and is connected through views and trails to the recreation and beauty of the surrounding desert environment.

To preserve and enhance Downtown's connection to nature, St. George will pursue the following vision and strategies:

5.1 Connect Downtown via AN URBAN Trail Network

5.2 Maintain and Add Parks & Natural Spaces

5.3 Preserve Bluff Views

5.4 Avoid Hazards and Protect Sensitive Lands



Goals: Accessible City

At the physical center of the community, Downtown is a connection point for roads, transit lines, and trails that accommodate diverse mobility options. Walkable Downtown neighborhoods envisioned in this DAP will increase convenience and help reduce traffic and parking impacts of accommodating growth.

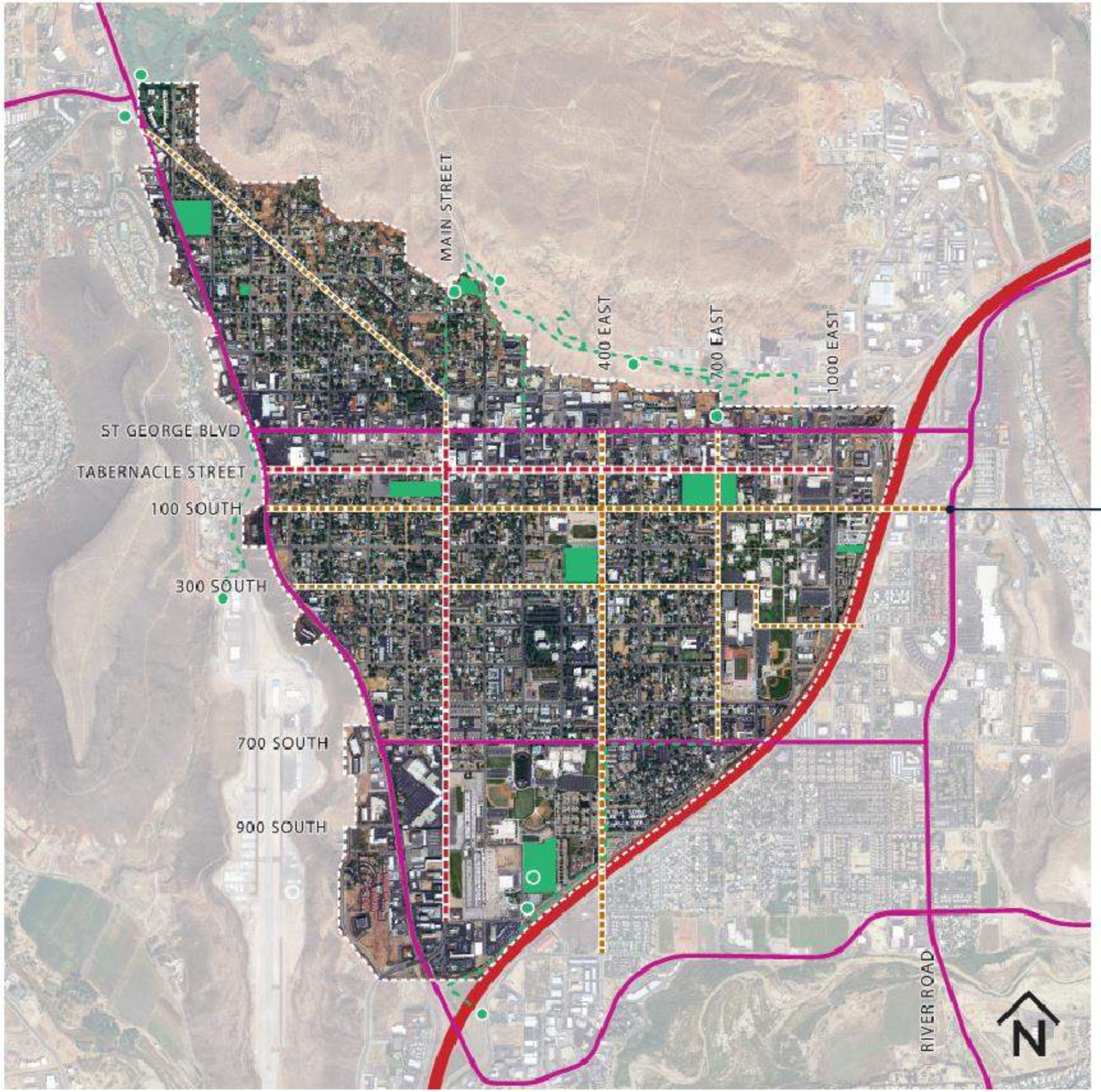
To offer safe, connected, accessible mobility to and within Downtown, St. George will pursue the following vision and strategies:

6.1 Accommodate Varied Travel Modes Safely

6.2 Manage Public Parking Supply

6.3 Continue to Invest in Transit to Serve Residents and Workers

Downtown Connections Map



- Pedestrian Oriented
- Complete Street Priority
- Auto Oriented Blvd.
- Freeway
- Trailhead
- Park
- Proposed Signage Path

100 South is envisioned to be improved as a complete street, and a **primary transit route** connecting the St. George Hospital to Utah Tech University, the Arts District, and ultimately, Tech Ridge

LEGEND

TRADITIONAL NEIGHBORHOOD

A traditional neighborhood with housing and other amenities for small- and mid-sized family households.

CONNECTED NEIGHBORHOOD

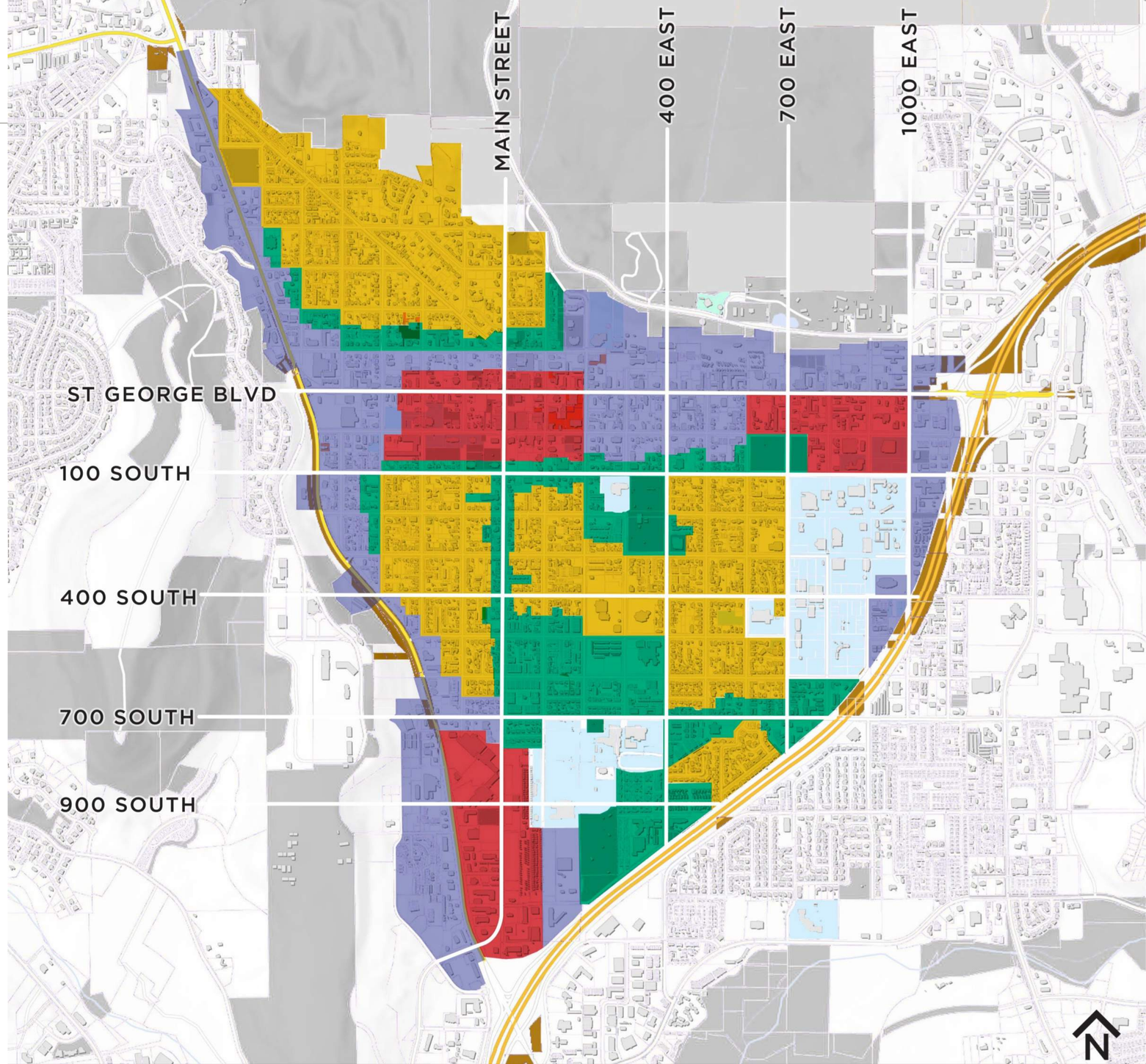
A convenient neighborhood with a mix of housing types and small-scale, neighborhood serving businesses.

CONNECTED CORRIDOR

A transitional area with a mix of uses and scales that support diverse housing and business needs within Downtown.

LIVELY

A bustling district that encourages a compact mix of jobs, entertainment, community gathering spaces.

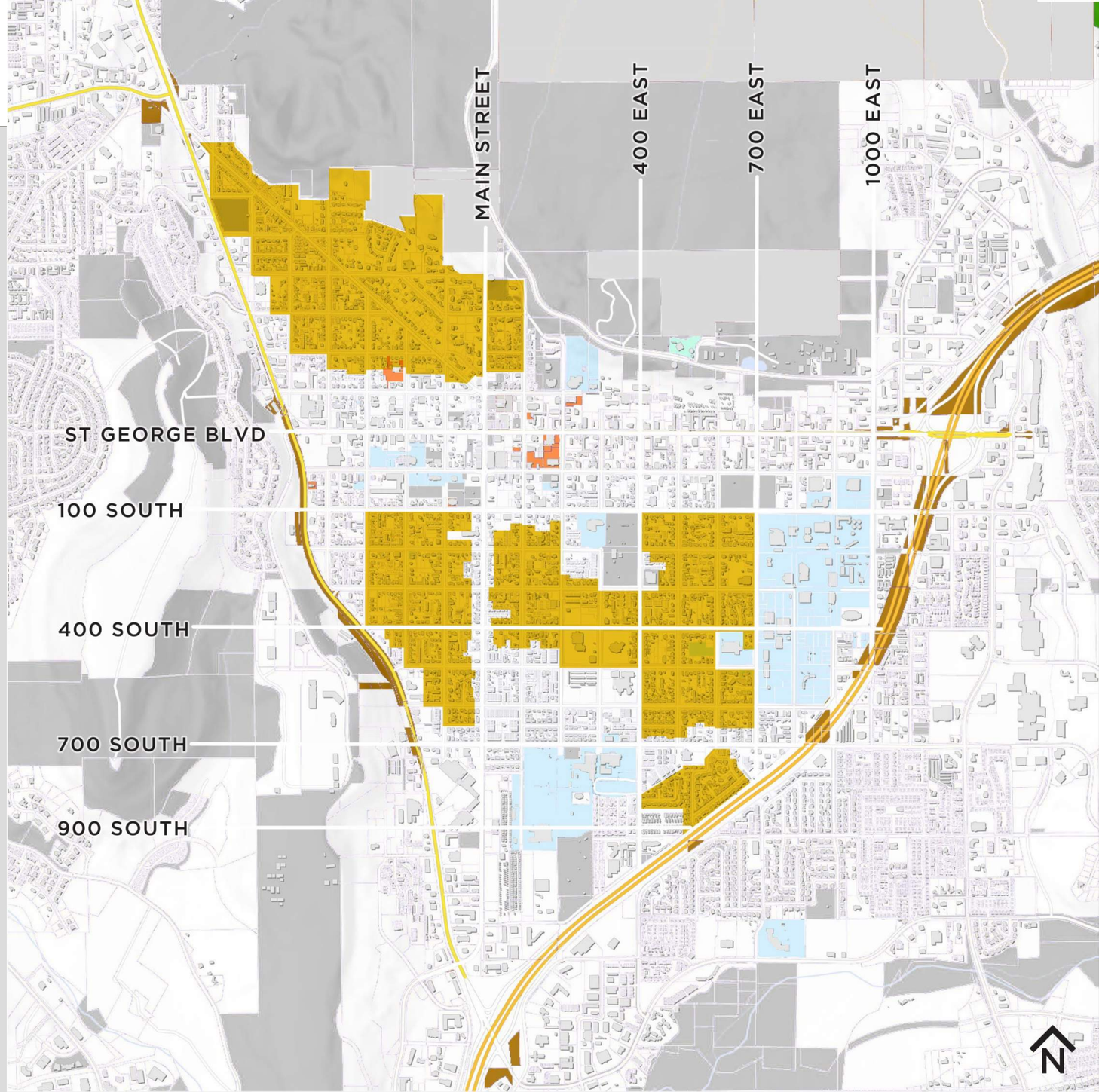


Traditional Neighborhood

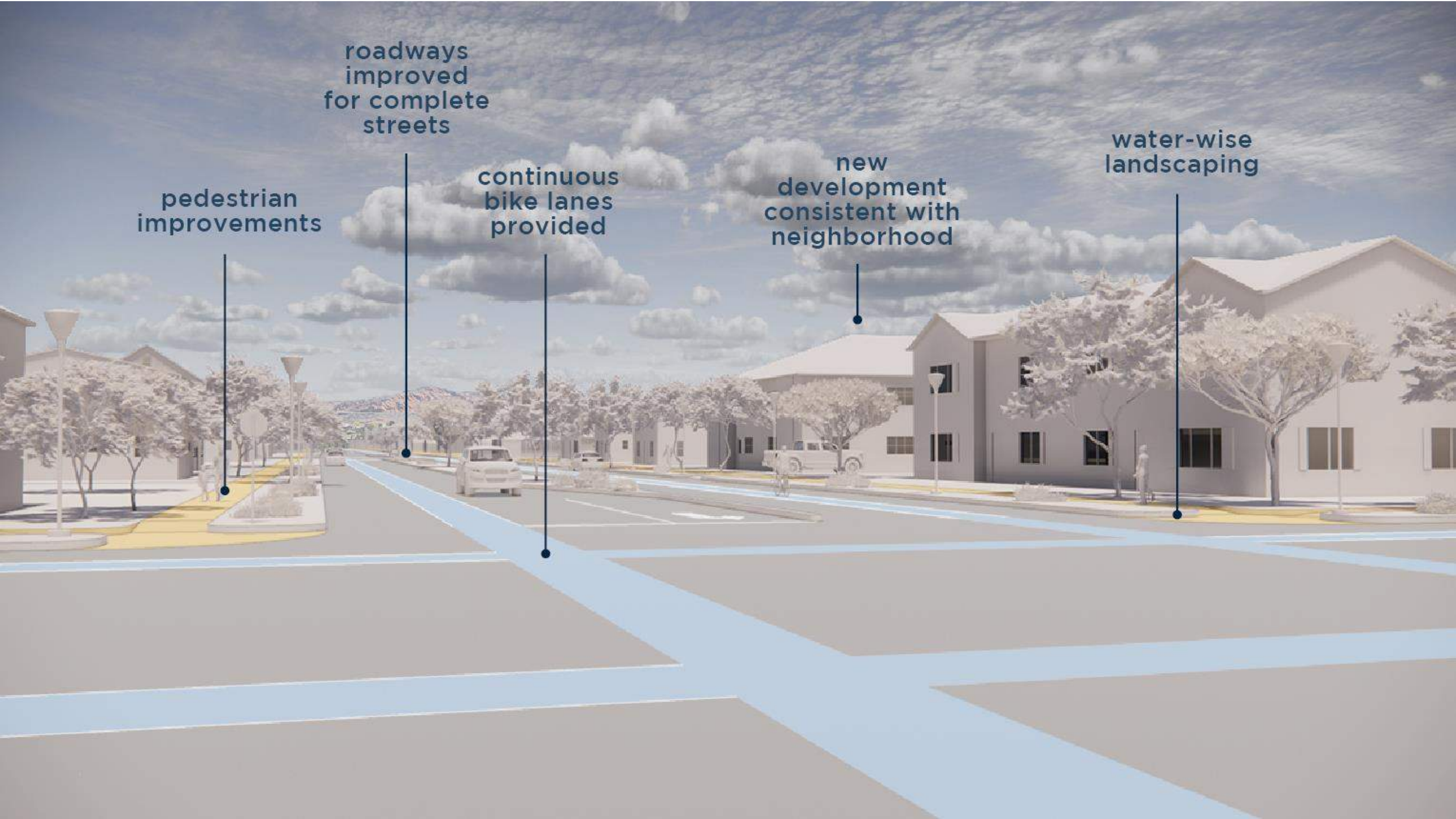
A traditional neighborhood with a mix of one and two-story single-family and multifamily homes set back from the street edge.

Scale and Design

Generally one and two-story residential scale buildings, with front porches and front yards that separate buildings from the street. Housing styles vary widely, having been developed over many building eras since settlement.





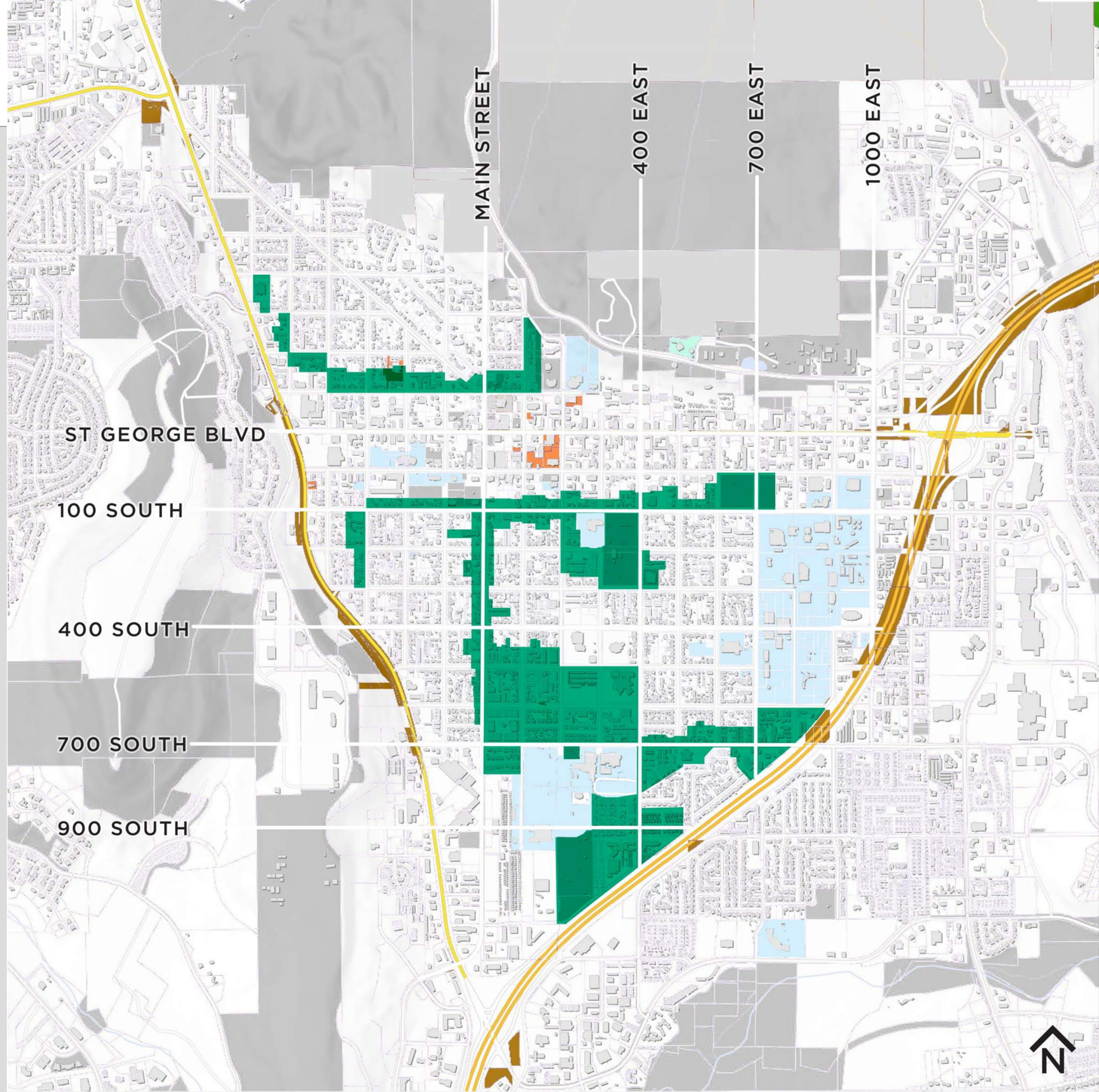

roadways improved for complete streets
pedestrian improvements
continuous bike lanes provided
new development consistent with neighborhood
water-wise landscaping

Connected Neighborhood

A convenient neighborhood with a varied mix of single family homes, multifamily housing and neighborhood-scale businesses.

Scale and Design

Buildings will meet the existing height limit, accommodating one or two stories, with size and lot coverage that efficiently use valuable Downtown land. Buildings are usually single-use, but vertical mixed-use is allowed. The building and site design is pedestrian friendly and protects the character of adjacent historic buildings.





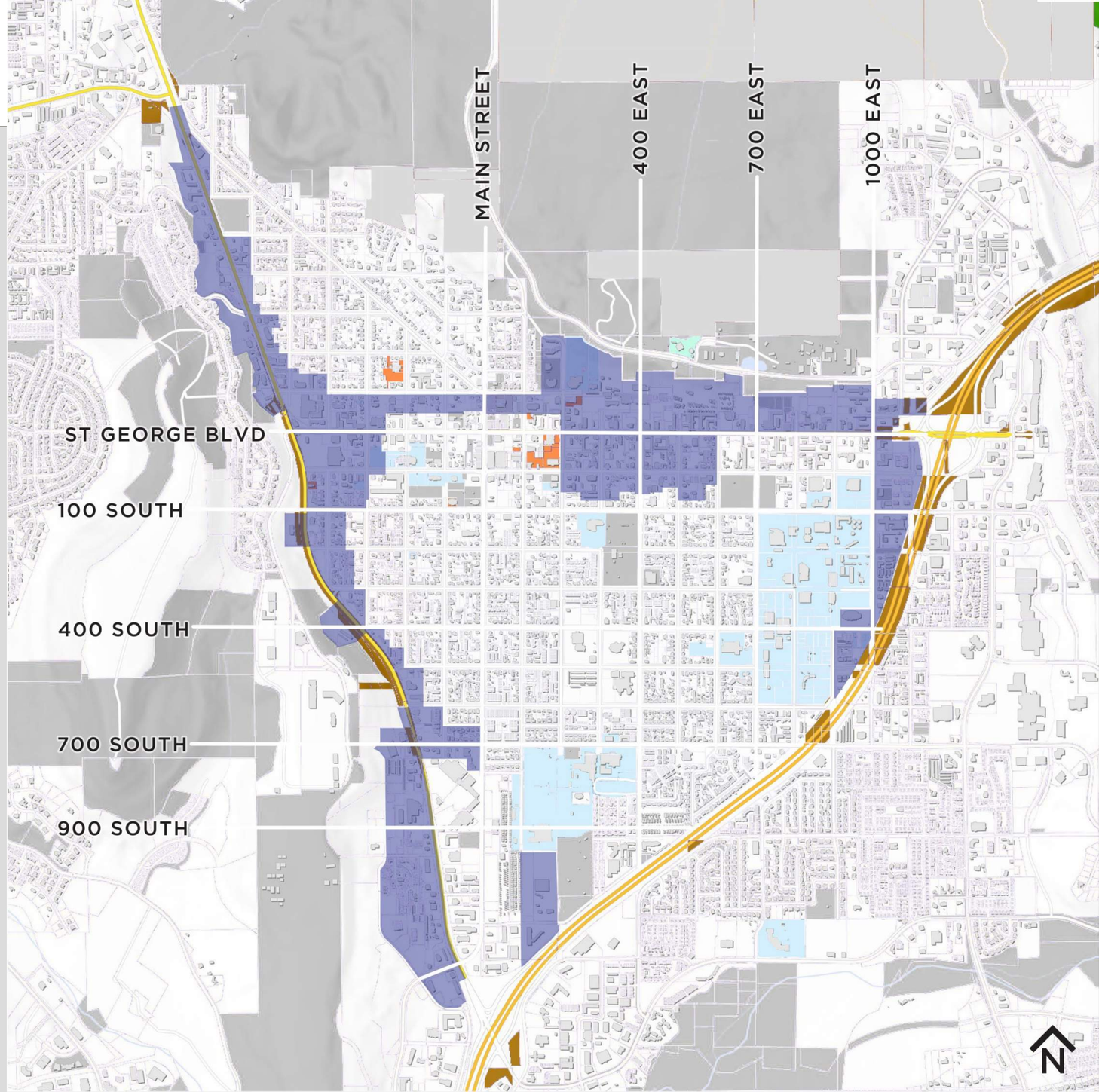

new development consistent with neighborhood
roadways improved for complete streets
continuous bike lanes provided
pedestrian improvements
water-wise landscaping

Connected Corridor

A convenient mix of businesses, services, and housing within proximity to collector and higher volume roadways.

Scale and Design

Two to four stories, with building size and lot coverage that efficiently uses valuable Downtown land. Buildings are primarily single uses, mainly horizontally mixed, though new buildings are encouraged as vertical mixed use. Design standards focus on the interface with and enhancement of the streetscape along key pedestrian streets (e.g., Main and Tabernacle Streets).





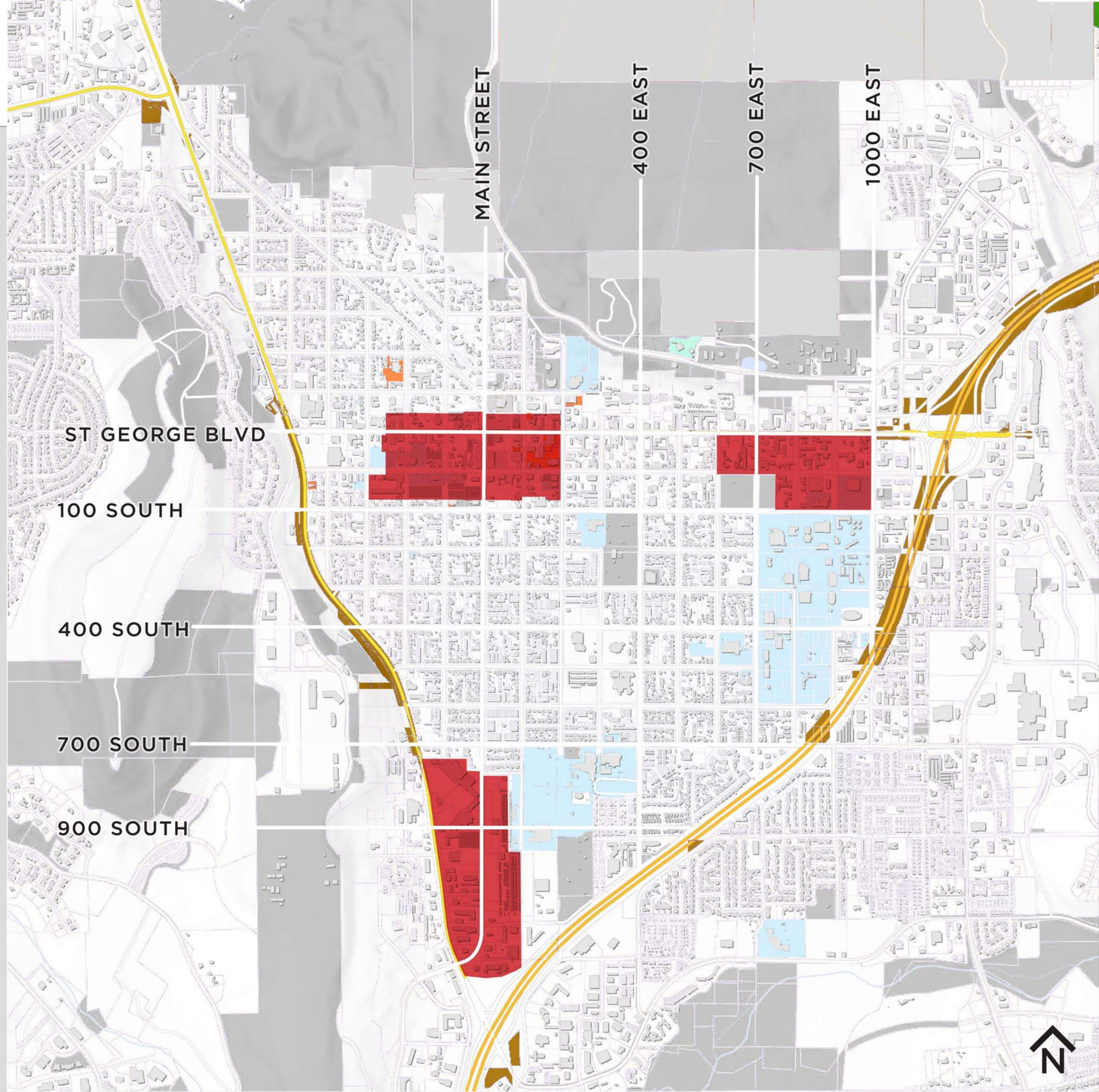

water-wise landscaping
pedestrian improvements including sidewalk bulb out for safety
new development consistent with neighborhood
continuous bike lanes provided
roadways improved for complete streets

Lively

A bustling district with a compact mix of jobs, entertainment, housing, and community gathering spaces all in walkable distance.

Scale and Design

Two to four stories, with building size and lot coverage that efficiently uses valuable Downtown land. Buildings are primarily single uses, mainly horizontally mixed, though new buildings are encouraged as vertical mixed use. Design standards focus on the interface with and enhancement of the streetscape along key pedestrian streets (e.g., Main and Tabernacle Streets).





Lively – Main Street Existing



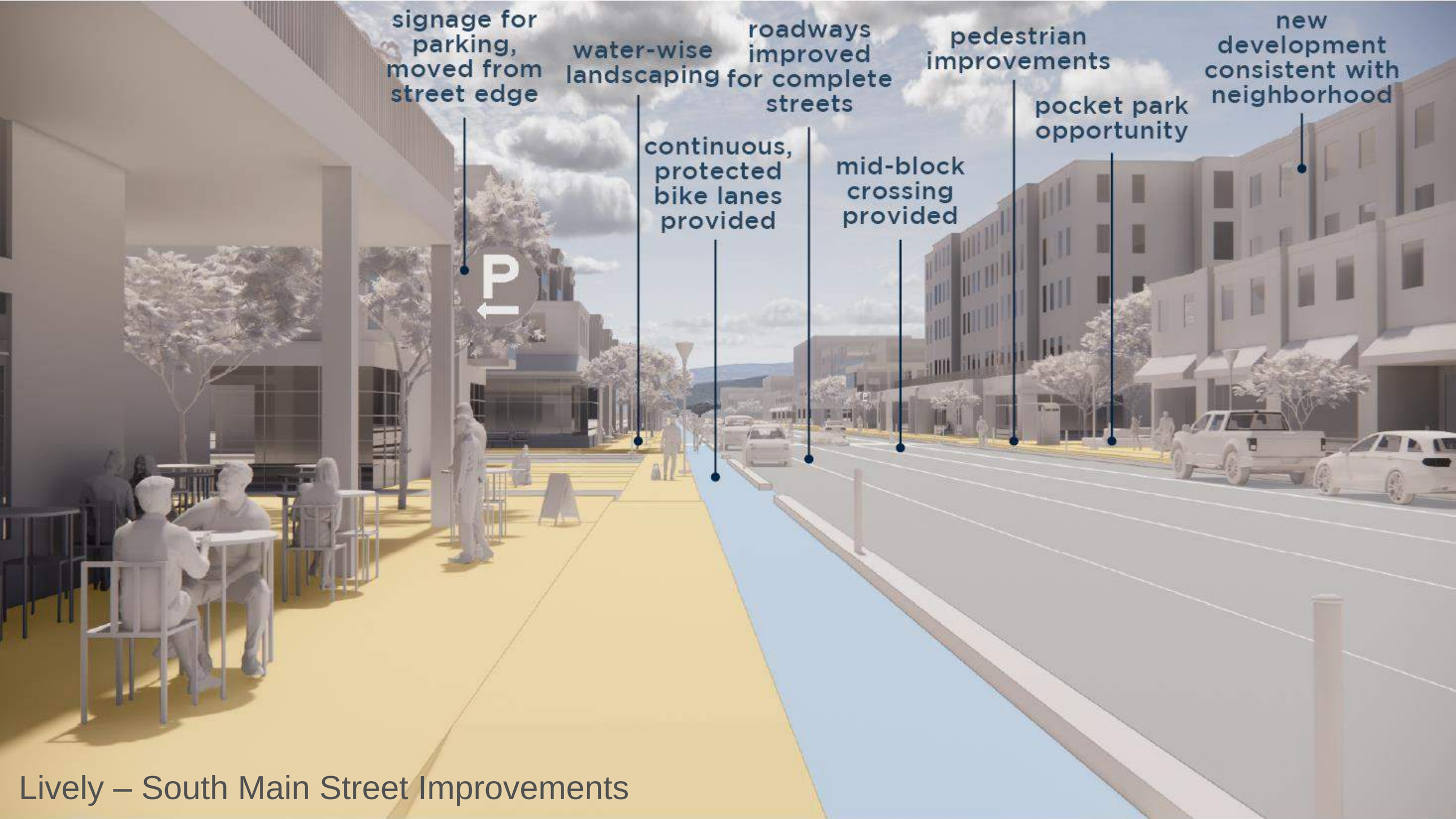
Lively – Main Street Proposed



Lively – Main Street Festival Street



Lively – South Main Street Improvements



Lively – South Main Street Improvements









Lively – Tabernacle Improvements

Downtown Plan Implementation

St.George

Implementation Action	Related Policies	Time Frame
Regulations, Plans, Policies		
Update **Zoning Regulations** with development and design standards and incentives aligned to the Plan (includes ADU policies)	Character Areas, Lifestyle, Responsible Growth, Economic Vitality, Arts & Culture Integration	< 1 year
Study **Downtown Infrastructure Capacity** and identify priority upgrades	Character Areas, Responsible Growth, Economic Vitality	1-3 years
Create a **Development Images Guide** showing examples of development aligned to the Plan and allowed by zoning	Character Areas, Responsible Growth,	1-3 years
Review the **Character Area mapping** every three years and modify as needed	Character Areas, Responsible Growth	3-4 years
Update management policies and agreements for the City's **downtown parking structure**	Economic Vitality, Accessible City	3-5 years
Update the Parks Master Plan with an **urban parks category**	Connected to Nature, Character Areas	3-5 years
Study the potential to **scale impact fees** across lot sizes	Responsible Growth	3-5 years
Explore a **busking policy** for the Arts District	Arts & Culture Integration	5-7 years
Adopt a policy to require **public art in developments** for which the City provides funding	Arts & Culture Integration	5-7 years
Develop a **policy to guide for public mural and art installations** in Downtown	Arts & Culture Integration	5-7 years

Downtown Plan Implementation

St.George

Implementation Action	Related Policies	Time Frame
Programs		
Approve development proposals that are aligned to the Plan	Character Areas, Responsible Growth, Lifestyle, Economic Vitality	Immediate, ongoing
Structure a strong public-private **Downtown Alliance** organization to guide activation and marketing	Economic Vitality, Arts & Culture Integration, Lifestyle	1-3 years
Implement and enforce **parking time limits** in Downtown Arts District	Accessible City	1-3 years
Offer an amnesty period and then increase enforcement of the existing **rental unit licensing requirement**	Lifestyle	1-3 years
Identify and fund **local business incentives and grants**	Economic Vitality	2-10 years
Expand a **street tree program** to enhance the Downtown tree canopy	Connected to Nature	3-5 years
Promote **neighborhood service** events and activities	Lifestyle	3-5 years
Analyze the best use and configuration for **Zion's Square**	Arts & Culture Integration	3-5 years
Create **property maintenance** programs and incentives (commercial, residential, historic)	Economic Vitality, Lifestyle	5-7 years

Downtown Plan Implementation

St.George

Implementation Action	Related Policies	Time Frame
Capital Investments		
Update Town Square with more pedestrian lighting social seating	Economic Vitality, Arts & Culture Integration, Lifestyle	1-3 years
Develop a **festival street block** on Main between Tabernacle Street and St George Boulevard	Economic Vitality, Arts & Culture Integration, Lifestyle	3-5 years
Redevelop Main and Tabernacle Streets as **Complete Streets**	Character Areas, Accessible City	3-5 years
Add additional **branding elements** (banners, etc) in the Art District and near UTU Campus	Economic Vitality, Arts & Culture Integration	3-5 years
Implement an **Urban Trails Network**	Connected to Nature, Accessible City	3-10 years
Expand **interpretive signage** for historical and cultural assets	Arts & Culture Integration	5-7 years
Implement **bike lane connections** through Downtown as directed in the Parks, Recreation and Trails plan	Accessible City, Connected to Nature	5-10 years
Install **wayfinding and signage** enhancements	Economic Vitality, Arts & Culture Integration, Accessible City	5-10 years
Expand pedestrian friendly **streetscape improvements**	Accessible City, Connected to Nature	5-10 years
Refresh parks and convert to **low water landscaping**	Connected to Nature, Responsible Growth	5-10 years
Offer affordable space in Downtown to local start up businesses	Economic Vitality	5-10 years
Add additional **transit routes**	Accessible City	7-10 years
Add **trails** that connect Downtown physically to surrounding bluffs	Connected to Nature	7-10 years

Discussion

St.George
THE BRIGHTER SIDE

St.George

Our City Our Future



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St.George 2040

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RESPONSIBLE GROWTH

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DOWNTOWN AREA PLAN

Welcome to the St. George 2040 Downtown Plan. Downtown is a special place with a distinctive role in the past, present and future of St. George.

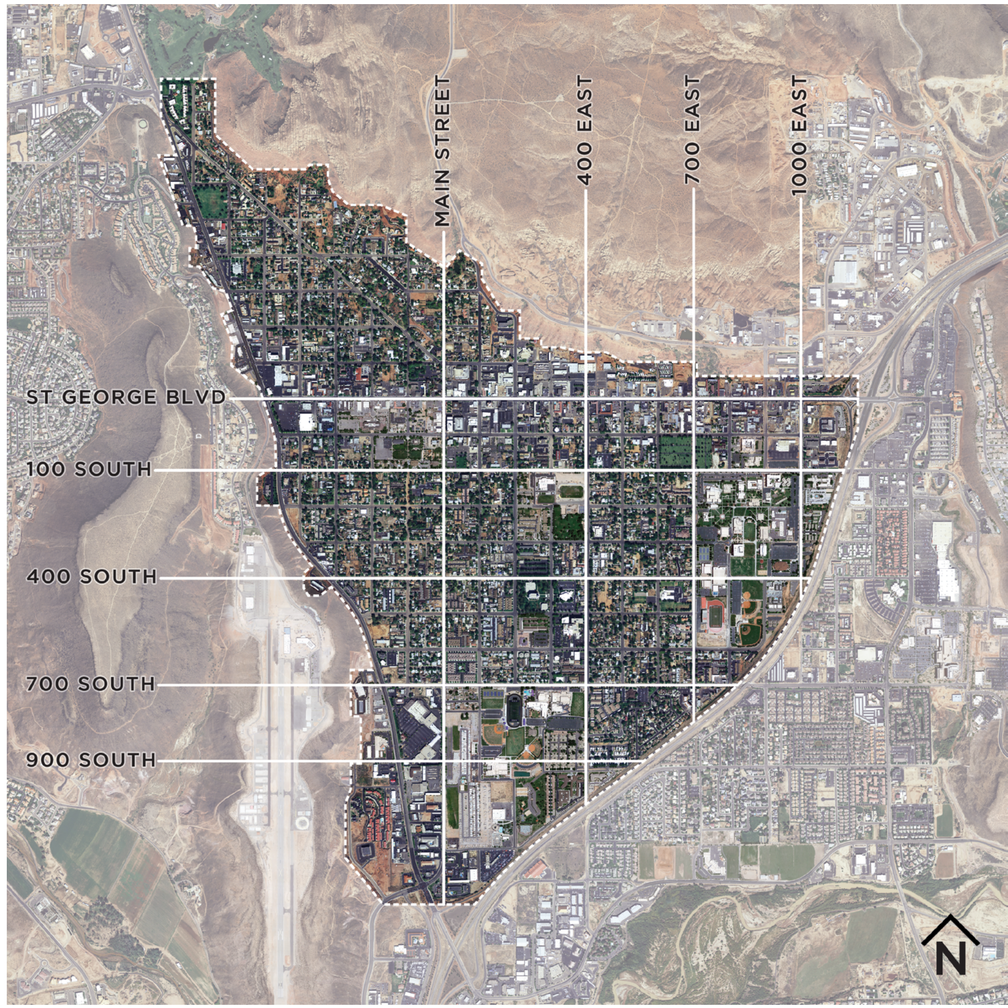
This Downtown Area Plan (DAP) provides clear, practical guidance for growth and improvements in the next 20 years, including City investments in programs, capital investments, regulations. The DAP also informs private investment and guides the City in development application decisions. The policies in the DAP are addititve to those of the St. George General Plan, providing more specificity. It applies within the greater Downtown area, shown at right. Following adoption of the DAP, zoning and other regulations will be updated to align with the policies.

This Plan is informed by extensive input from the St. George community, including a 20-member volunteer Steering Committee, more than 50 stakeholder interviews, and over 6,000 survey responses. The planning team would like to thank everyone who contributed their time and passion to guide the future of Downtown St. George.

VISION

Downtown is the safe, vibrant, historic center of our City and region, offering unique employment, education, entertainment, and entrepreneurship opportunities. Downtown welcomes all members of the community to gather and thrive, consistent with its primary roles as the seat of government, home to residents in all stages of life, and showcase of local history, arts, events, and culture.

Downtown Area Map



St.George 2040

Downtown is the safe, vibrant, historic center of our City and region, offering unique employment, education, entertainment, and entrepreneurship opportunities. Downtown welcomes all members of the community to gather and thrive, consistent with its primary roles as the seat of government, home to residents in all stages of life, and showcase of local history, arts, and culture.

DOWNTOWN AREA PLAN SECTIONS

The Downtown Area Plan is divided into eight sections that align to topical sections of the 2040 St. Geroge General Plan. The entire plan aligns to and expands on the General Plan's Thriving Downtown section. The Downtown Character Areas section is specific and unique to the Downtown Area Plan.

DOWNTOWN CHARACTER AREAS

LIFESTYLE

ECONOMIC VITALITY

CONNECTION TO NATURE

RESPONSIBLE GROWTH

ACCESSIBLE CITY

THRIVING DOWNTOWN

ARTS & CULTURE

NOTE: The section topics, and thus their policies, are interrelated. Policies housed in one section often also advance objectives from another section. Redundancy and duplication has been minimized.

St.George 2040

DOWNTOWN A

DOWI LETTER FROM THE MAYOR

LIFESTYLE

IBLE

ECONOMIC VITALITY

CONNECTION TO NATURE

E

RESPONSIBLE GROWTH

ACCESSIBLE CITY

ACCESSIBLE CITY

THRIVING DOWNTOWN

ARTS & CULTURE



DOWNTOWN CHARACTER AREAS

The Character Areas respond to varied existing conditions within the Downtown Area Plan area as well as the community's vision for the future in distinctive parts of Downtown. The areas differ in the amount of accommodation of growth and new housing, the mix of commercial and residential uses, the variety of sizes of households, and desired balance of preservation and beneficial revitalization.

Downtown is where St. George began and today plays an important role as and employment center and a meeting ground for all of the St. George community and surrounding region. Throughout the Downtown Area Plan planning process, community members expressed deep appreciation for the historical elements of Downtown, while also seeking add more vitality. The future vision for Downtown includes more community gathering spaces, accomodation of more households, more dining and entertainment for locals and visitors, and more visible signs that St. George is a university town. To accomplish all this while preserving a rich history, development has not and will not be uniform within the Downtown area. Character Areas within Downtown offer a nuanced approach that guides and channels change to appropriate locations, while retaining much of the existing character in other locations. Character areas are mapped as shown on page 5. Each Character Area is described on folllowing pages with a future development vision, scale and design summary, and land use and development strategies that supplement the area-wide strategies found in other Downtown Area Plan sections.

St.George 2040

DOWNTOWN A

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LETTER FROM THE MAYOR

LIFESTYLE

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ECONOMIC VITALITY

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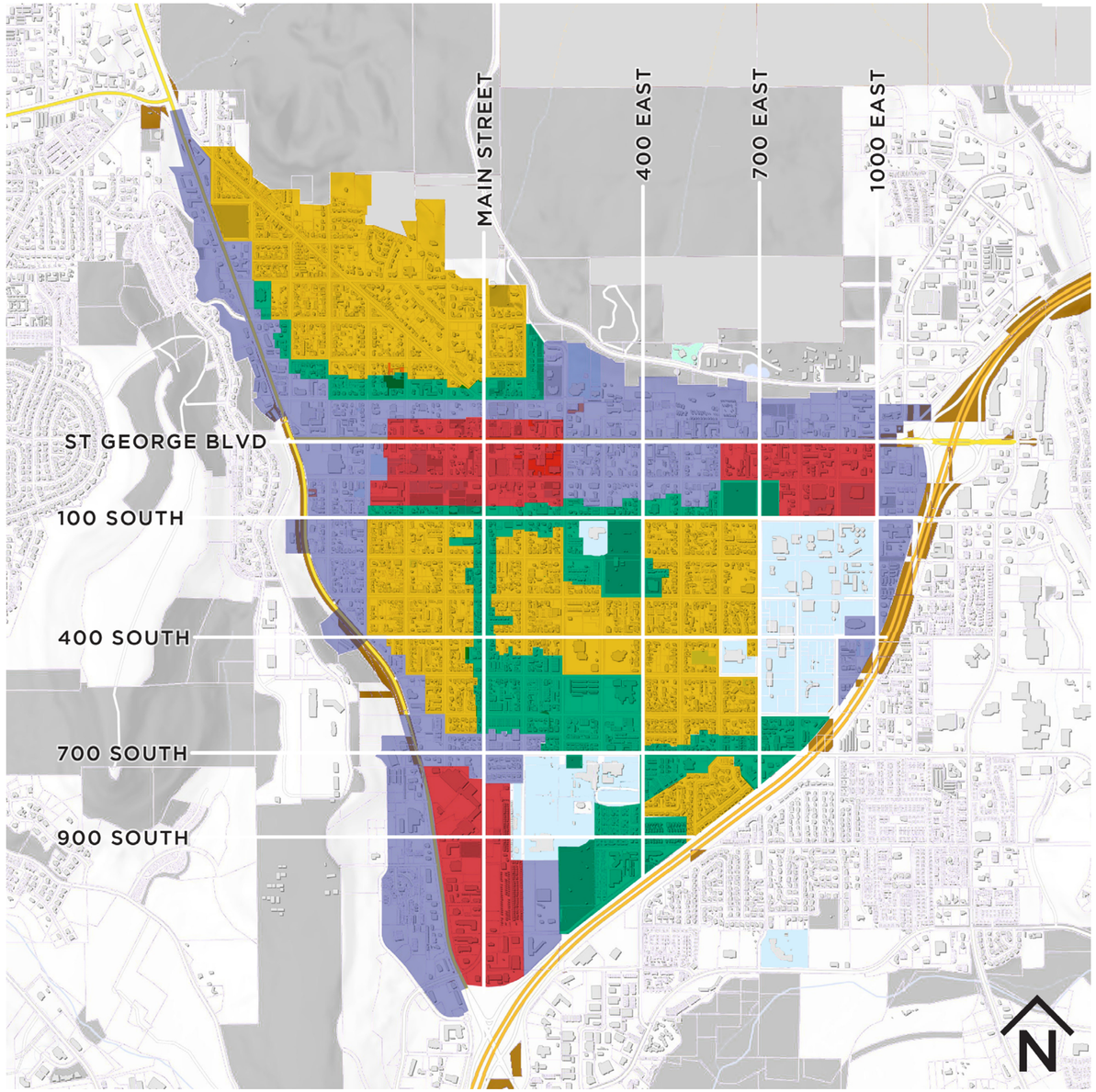
ACCESSIBLE CITY

ACCESSIBLE CITY

THRIVING DOWNTOWN

ARTS & CULTURE

Downtown Character Area Map



TRADITIONAL NEIGHBORHOOD

A traditional neighborhood with housing and other amenities for small- and mid-sized family households.

CONNECTED NEIGHBORHOOD

A convenient neighborhood with a mix of housing types and small-scale, neighborhood serving businesses.

CONNECTED CORRIDOR

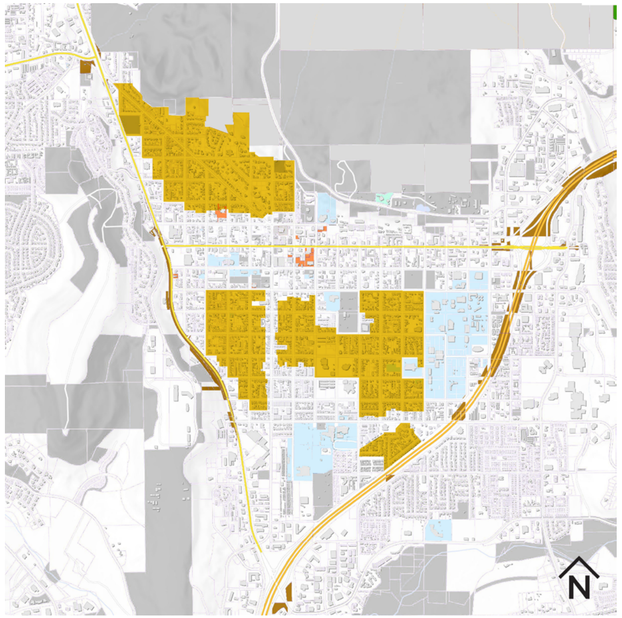
A transitional area with a mix of uses and scales that support diverse housing and business needs within Downtown.

LIVELY

A bustling district that encourages a compact mix of jobs, entertainment, and community gathering spaces.

TRADITIONAL NEIGHBORHOOD CHARACTER AREA

A traditional neighborhood with a mix of one and two story single family and multifamily homes set back from the street edge.

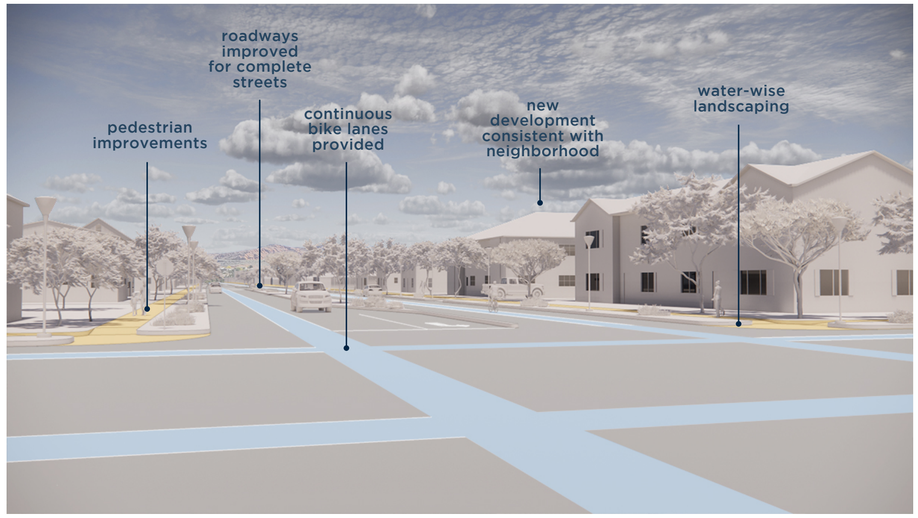


TRADITIONAL NEIGHBORHOOD DEVELOPMENT VISION

Traditional Neighborhood areas continue a healthy mix of single family and multifamily uses, with limited non-residential uses such as home-based businesses, and religious and small-scale civic uses. Most new development is expected to be single family homes and Accessory Dwelling Units on adequately sized lots. Redevelopment will include additions to existing buildings that increase them to the full height, size, and lot coverage allowed by existing zoning.



Existing Traditional Neighborhood character



Proposed Traditional Neighborhood character with potential development and streetscape improvements

St.George 2040

DOWNTOWN AREA PLAN

DOWNTOWN CHARACTER AREAS

LIFESTYLE

RESPONSIBLE GROWTH

ECONOMIC VITALITY

ARTS & CULTURE

CONNECTION TO NATURE

ACCESSIBLE CITY

RESOURCE DOCUMENTS

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TN.1 TRADITIONAL NEIGHBORHOOD SCALE AND DESIGN

One and two story residential scale buildings, with front porches and front yards that separate buildings from the street. Housing styles vary widely, having been developed over many building eras since settlement. Zoning updates will not change the allowed building height.

TN.2 TRADITIONAL NEIGHBORHOOD STRATEGIES

a. To preserve the history and charm of existing neighborhoods, property owners of historic Pioneer era buildings are encouraged with incentives to pursue formal Historic Landmark designation.

b. To retain neighborhood character, buildings will be set back from the street with front yards aligned to traditional development patterns.

c. To encourage reinvestment, property owners of residential buildings are allowed to expand the same use up to the maximum zoned height and footprint through adminstrative aproval.

d. All single family lot owners should have the opportunity to build one accessory dwelling unit per minimum lot area, so long as each dwelling unit complies with development standards.

e. Explore precedents for how other cities address emergency service access to secondary units on deep lots.

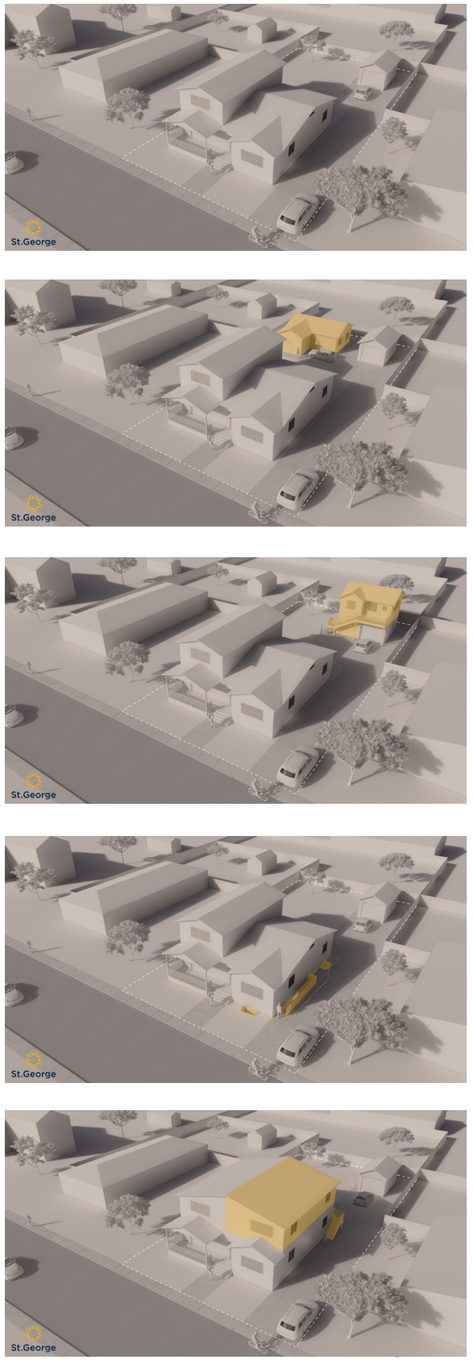
f. The City may allow conversion of an existing residential building to non-residential use, particularly in the case of buildings with formal Historic Landmark designation.

g. Sidewalks, street trees, and park strips are desired along Traditional Neighborhood streets consistent with applicable street sections.

h. The low density of development in Traditional Neighborhood Character Areas supports limited transit service; any transit stops will be prioritized on connector streets.

i. Mobility and recreation enhancements will primarily be bike lanes, sidewalks, trail connections and wayfinding.

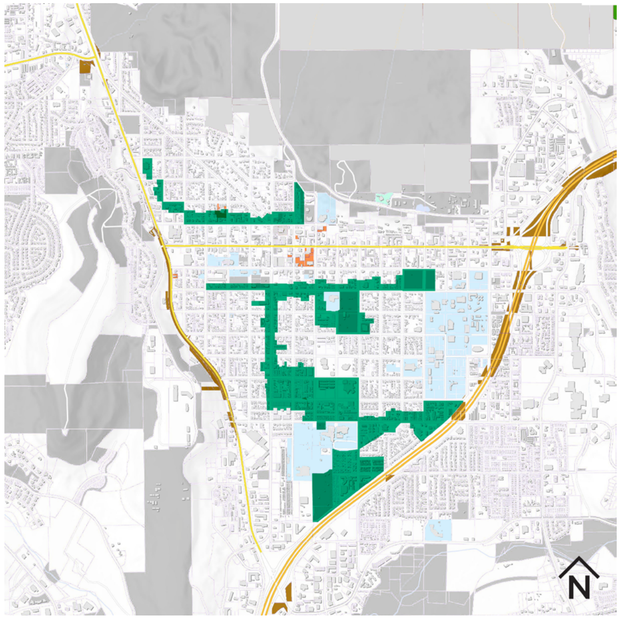
j. The City may consider using some right-of-way for Complete Streets improvements or for angled parking if infill development increases parking demand.



Images from top to bottom, existing single family residence, potential detaced accessory dwelling, potential accessory dwelling over the garage, potential accessory dwelling in the basement level, potential accessory dwelling at the upper level

CONNECTED NEIGHBORHOOD CHARACTER AREA

A convenient neighborhood with a varied mix of single family homes, multifamily housing and neighborhood-scale businesses.



CONNECTED NEIGHBORHOOD DEVELOPMENT VISION

The Connected Neighborhood Areas contain townhomes, apartment buildings, courtyard homes, stand-alone homes, student housing, live-work units, businesses, and civic and religious uses. Housing demand is expected to drive most redevelopment. New housing and residents may also support limited non-residential development such as personal services, convenience retail, cafe, or home-based businesses. Existing residential structures may be converted to non-residential use with City approval.



Existing Connected Neighborhood character



Proposed Connected Neighborhood character with potential development and streetscape improvements

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CN.1 CONNECTED NEIGHBORHOOD SCALE AND DESIGN

Buildings will meet the existing height limit which accommodates one or two stories, with size and lot coverage that make efficient use of valuable Downtown land. Buildings are usually single use but vertical mixed use is allowed. Building and site design are pedestrian friendly, and protect the character of adjacent historic buildings.

CN.2 CONNECTED NEIGHBORHOOD STRATEGIES

To revitalize the area, commercial properties should be allowed to redevelop with an emphasis on housing to support downtown businesses and institutions and conveniently house downtown workers, students, and their families. Residential uses may occupy all floors of buildings.

a. To retain neighborhood character, buildings will be set back from the street with front yards aligned to traditional development patterns.
b. Housing options for students are encouraged near Utah Tech University.
c. Existing historic structures are encouraged to be designated as Historic Landmarks and to be adaptively reused.
d. Enhance residents' mobility and recreation access with investments in bike lanes and complete streets.
e. Multifamily housing redevelopments should include small-scale gathering spaces, pocket parks, and pet relief areas to enhance residents' recreation access.
f. Shared parking should be encouraged between compatible adjacent uses.
g. The City will consider using some right-of-way for angled parking where infill adds to parking demand.
h. Off-street parking should be located where it is least visible from public rights of way and screened from Traditional Neighborhood areas.
i. Required landscaping should be purposeful rather than extensive, and located where it best contributes to appealing an street frontage or screening of Traditional Neighborhood areas.







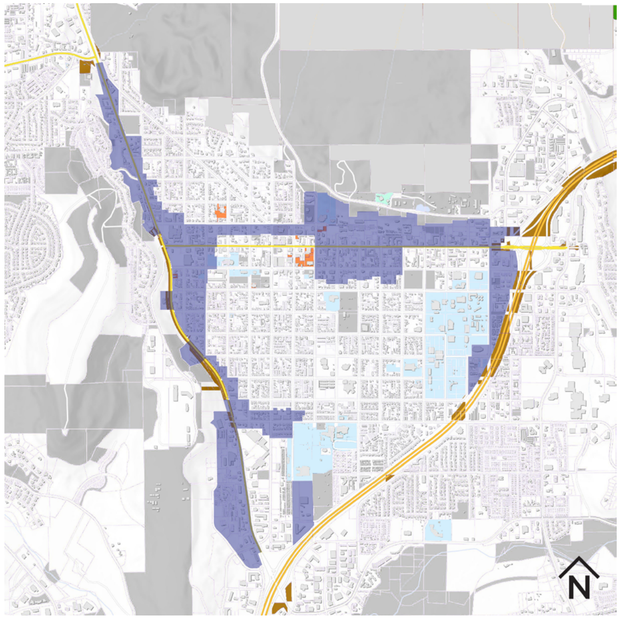




Examples of neighborhood integrated commercial development compatible with surrounding scale, setbacks, and character

CONNECTED CORRIDOR CHARACTER AREA

A convenient mix of businesses, services, and housing within proximity to collector and higher volume roadways.



CONNECTED CORRIDOR DEVELOPMENT VISION

Connected Corridor Areas include businesses, apartment buildings, courtyard homes, townhomes, student housing, live-work units, and civic and religious uses. In these areas, many commercial properties are anticipated to redevelop as housing and mixed use. Housing demand will drive most redevelopment. New housing and residents may also support some non-residential development such as office, dining, or retail along key street frontages and intersections; as well as transit and mobility enhancements.



Existing Connected Corridor character



Proposed Connected Corridor character with potential development and streetscape improvements (building setback precedent shown on page 12)

CC.1 CONNECTED CORRIDOR SCALE AND DESIGN

Building heights are two to four stories, with size and lot coverage that make efficient use of valuable Downtown land. Buildings are mostly single uses that are mainly horizontally mixed, though new buildings are encouraged as vertical mixed use. Design standards focus on the interface with and enhancement of the streetscape along key pedestrian streets such as Main Street and Tabernacle Street.

CC.2 CONNECTED CORRIDOR STRATEGIES

To revitalize the area, commercial properties should be allowed to redevelop to add a mix of uses, with shops, dining and housing to support downtown businesses and institutions, and conveniently house downtown workers, students, and their families.

a. Allow for a wide range and scale of uses, allowing the area to transition over time in response to cyclical market conditions.
b. Existing historic structures are encouraged to be adaptively reused and/or be designated as Landmarks.
c. Buildings should be multi-story. On Main Street, Tabernacle Street and St. George Boulevard, street-facing ground floor should be activated with retail, restuarant, or other public access spaces. In other locations, residential uses may occupy all floors.
d. Buildings on Main Street, Tabernacle Street, and St. George Boulevard should be built ready to install necessary equipment for full-service restaurant use (e.g., plumbing for grease interceptor, ductwork for exhaust hoods).
e. Tabernacle Street should be redeveloped as a pedestrian friendly street enlivened by housing, dining and retail, to reinforce the connection between Utah Tech University and the Arts District.
f. Third and fourth stories of buildings should be set back from the street edge to soften their impact on the street character.
g. Housing options for students are encouraged near Utah Tech University.



Potential Connected Corridor Building Options

h. Multifamily and mixed use redevelopments should include small-scale gathering spaces, pocket parks, and/or pet relief areas to enhance residents' recreation access.

i. Over time, increasing housing density in Connected Corridors is expected to support transit service enhancements and increase mobility for residents.

j. Enhance residents' mobility and recreation access with bike lanes and complete streets.

k. The City may consider using a portion of ample right-of-way for Complete Streets improvements or angled parking, or dedicating some right of way to redevelopment for seating areas or other streetscape enhancing elements.

l. Parking for multifamily, commercial, and mixed use developments should be scaled appropriately to a Downtown setting, with shared parking encouraged.

m. Off-street parking should be located where it is least visible from public rights of way and screened from Traditional Neighborhood areas.

n. Required landscaping should be purposeful rather than extensive, contributing to appealing street frontages and screening Traditional Neighborhood areas.



The East fascade of the Vue at Sugar House apartments in Salt Lake, an example of how the use of setbacks could maintain views and more pedestrian-friendly streets

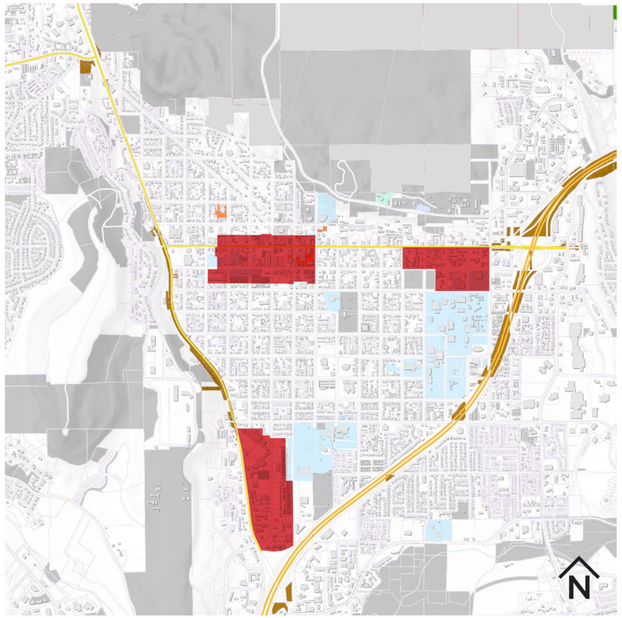


The Vue at Sugar House apartments at the intersection of 1100 East and 2100 South

Back to page 10

LIVELY CHARACTER AREA

A bustling district with a compact mix of jobs, entertainment, housing, and community gathering spaces all in walkable distance.

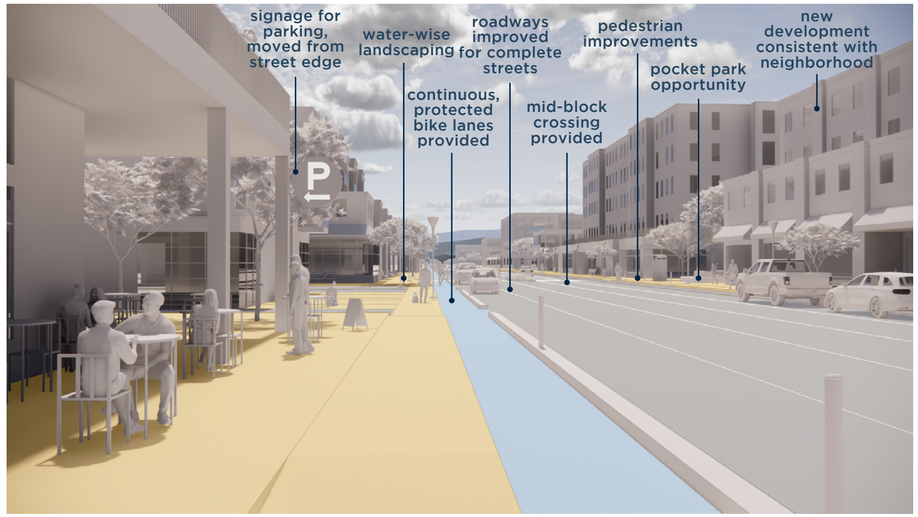


LIVELY AREA DEVELOPMENT VISION

Lively Character Areas are envisioned to be activity centers with commercial uses such as offices, retail and services, civic and religious uses, and a mix of housing such as townhomes, multifamily and student housing. Lively areas will draw the community and region to gather for entertainment, dining, experience shopping and events. Ground floor uses along primary streets will contribute to an activated district. While housing is expected to drive redevelopment in the current market cycle, buildings should include space to accomodate a flexible mix of uses over the long term. To support compact development, structured parking may be needed.



Existing Lively character at South Main



Proposed Lively character with potential development and streetscape improvements at South Main

L.1 LIVELY AREA SCALE AND DESIGN

Building height varies, ranging from three to six stories. Building design, orientation, and site layout make efficient use of land and contribute to a walkable district feel. Site design includes sidewalks along streets and within sites to provide pedestrian circulation, incorporates mobility elements, and adjusts to reduce impacts on adjacent historic buildings and Traditional Neighborhood areas.

L.2 LIVELY AREA STRATEGIES

To revitalize the Lively Areas, commercial properties should redevelop to add a mix of residential and nonresidential uses that will contribute to and support thriving Downtown activity centers over the long term.

a. New buildings are encouraged to build to the full by-right height, area, and lot coverage, to contribute to the compact walkable district.
b. Commercial or vertically mixed use, multi-story buildings are strongly encouraged.
c. Buildings should typically be up to five stories. The City may allow a sixth story when a development provides a community benefit consistent with this Plan (e.g., public plaza area, affordable housing).
d. Buildings should step down in height to be compatible with abutting historical buildings and neighborhood Character Areas.
e. Buildings should generally orient entrances to the street rather than the interior of the lot.
f. The ground floor of all buildings should be activated with retail, dining, entertainment or other uses that enliven the district.
g. Protect and preserve contributing historic facades of buildings as identified by St. George City.
h. To encourage informal entertainment and provide recreation access for residents, Lively area blocks should incorporate plazas, parks, or other public access gathering spaces, and include shaded seating.



Existing Lively character at Main Street



Proposed Lively character at Main Street with potential development and streetscape improvements



Proposed Lively character at Main Street with potential development and streetscape and event facilitation improvements

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i. New mixed use buildings should be built ready to install necessary equipment for a full-service restaurant (e.g., plumbing for grease interceptor, ductwork for exhaust hoods).

j. Within the Lively Area, the primary mobility emphases are safe, comfortable pedestrian movement and regular transit service.

k. Mid-block crossings should be allowed and encouraged to enhance pedestrian circulation.

l. Public and private infrastructure should accommodate first and last-mile mobility solutions such as bikes, scooters, and ridesharing.

m. Vehicular access will also be supported. Bluff Street and St. George Boulevard will continue as high volume auto-oriented corridors.

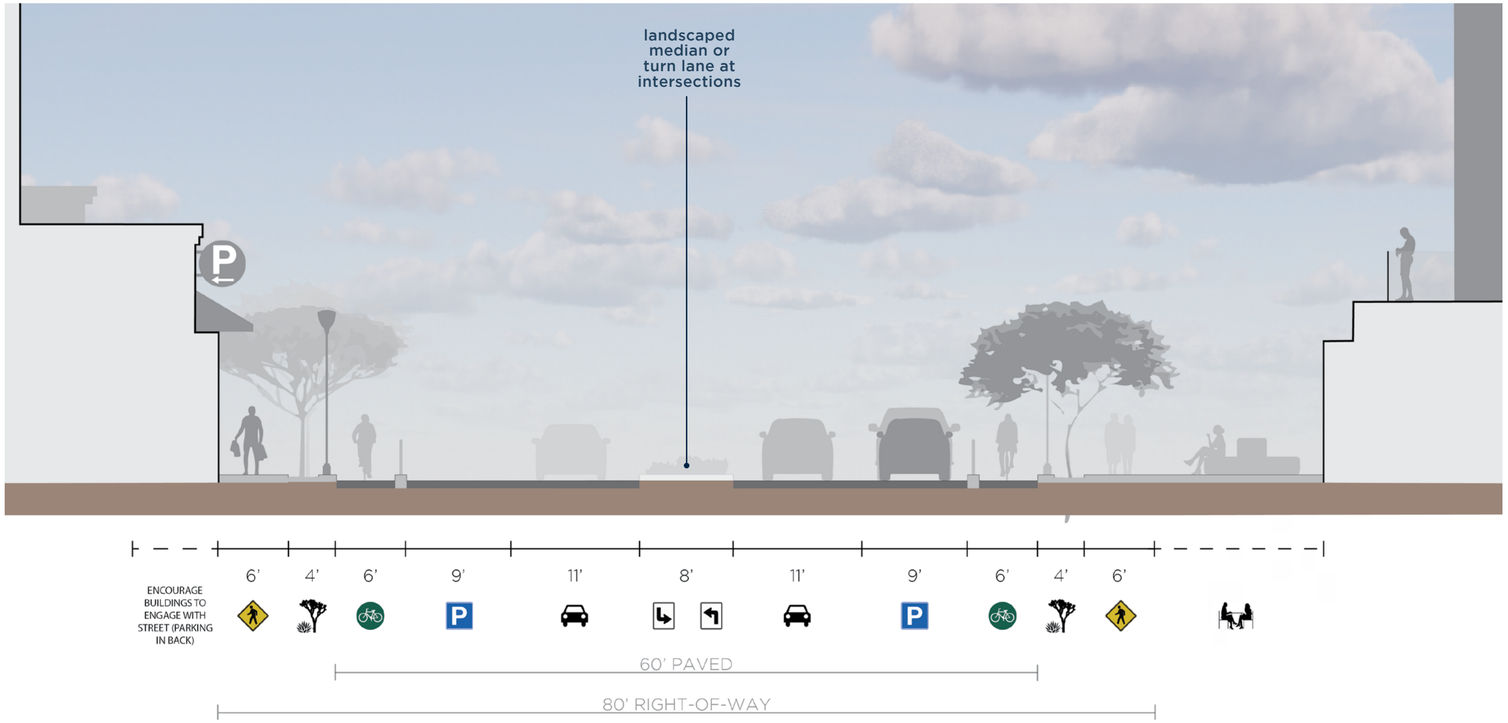
n. Off-street parking should be behind buildings or in the interior of the block rather than along the front street face.

o. Explore updates to parking requirements that encourage redevelopment and a compact walkable district; structured and shared parking is strongly encouraged.

p. Shade trees and other shade and cooling solutions are encouraged.

q. To support a compact district, required lot area for landscaping should be minimal, while providing for street trees and water wise plantings.

Complete Street Diagram for the Lively area at South Main



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St.George 2040

DOWNTOWN A

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LETTER FROM THE MAYOR

LIFESTYLE

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ECONOMIC VITALITY

CONNECTION TO NATURE

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RESPONSIBLE GROWTH

ACCESSIBLE CITY

ACCESSIBLE CITY

THRIVING DOWNTOWN

ARTS & CULTURE



LIFESTYLE

Downtown neighborhoods offer convenient access to employment, education, services, and daily needs. Downtown St. George hosts neighborhoods that are diverse in character but consistently preserve historic assets and offer safe and appealing environments for residents in all stages of life. Lifestyle is supported by strategies and actions under many other principles.

To offer desirable neighborhoods and housing, St. George will pursue the following vision and strategies:

1.1 PURSUE DISTINCTIVE DOWNTOWN CHARACTER

a. Placemaking is a critical element of establishing Downtown as a thriving activity center for the community. Downtown includes four character types - Traditional Neighborhood, Connected Neighborhoods, Connected Corridors, and Lively Areas.
b. Align Downtown zoning regulations to Character Area policies, with appropriate transitions.
c. Approve development proposals that are consistent with the Character Areas vision and policies.
d. Develop, make publicly available, and periodically refresh an guideboook of development and design images that are consistent with each Character Area.
e. Strengthen the identity of Downtown neighborhoods through branding and signage.
f. Enhance the sense of place in the Arts District and adjacent to Utah Tech University campus with distinctive investments such as banners, murals, signage, etc.
g. Enhance Downtown to celebrate St. George as a university town, especially adjacent to Utah Tech University campus, by encouraging and supporting uses that serve the needs of students and faculty.



1.2 SUPPORT SAFE, STABLE, AND CONVENIENT DOWNTOWN NEIGHBORHOODS

Downtown residents value the safety, stability, and convenience of their neighborhoods.

a. Encourage property owners to maintain, upgrade, and occupy Downtown homes.
b. Allow infill housing and a mix of uses in Downtown neighborhoods consistent with the Character Areas policies.
c. Improve walkability through pedestrian enhancements, Complete Streets roadway improvements, and an Urban Trails Network as shown on page 28.
d. Integrate urban design elements known to reduce crime within the Downtown zoning regulations and design guidelines.
e. Mitigate the perception of diminished safety that often accompanies population growth and increased density as indicated in the General Plan policies and including data specific to Downtown.

1.3 HOUSE ALL AGES AND STAGES

Downtown offers opportunities to add new housing consistent with the Moderate Income Housing Plan. Revitalization areas are appropriate locations to allow more small footprint, multistory, and multifamily units.

a. Use Character Area designations to guide which housing types are appropriate in various Downtown locations, allowing desired types by right.
b. When deciding development proposals, give strong consideration to the community's need and desire -- documented in adopted Plans -- to provide attainable and small footprint housing options.
c. Update the Downtown zoning regulations to allow more diverse moderate income housing consistent with the Moderate Income Housing Plan and Character Areas.
d. Help make developments that provide new attainable housing units more feasible, allow for increased height, reduced setbacks, and similar development benefits.
e. Encourage infill housing for students and families of students in proximity to Utah Tech University, consistent with designated Character Areas.
f. Participate in the Housing Action Coalition regarding regional attainable housing strategies.
g. Update the Accessory Dwelling Units regulations consistent with the policy direction of the General Plan, to address Landmark properties, to encourage reinvestment in Downtown residential properties, and to support an increase in housing supply in Downtown.

1.4 ENGAGE THE COMMUNITY IN A FRIENDLY DOWNTOWN

While offering entertainment and a lively atmosphere, Downtown's activity centers should remain safe and comfortable for all community members.

a. Support the welcoming, giving, and engaged spirit of the community by fostering opportunities for residents to participate in improvements within their neighborhoods.
b. Continue to provide City facilities that host community events, activities and gathering opportunities, such as Sun Bowl, Town Square, and the Electric Theater.
c. Enhance pedestrian scale lighting in Downtown public spaces and streets to invite the community to continue use after dark.
d. Improve walkability through pedestrian enhancements connecting dining, arts, leisure and services in Downtown activity centers.
e. Encourage the expansion of entertainment businesses for all age groups through favorable zoning regulations.
f. Expand activities for all age groups in civic spaces within Lively Character Areas.
g. Encourage Washington County School District to retain public schools in Downtown to serve current and future downtown students.



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St.George 2040

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RESPONSIBLE GROWTH

St. George is experiencing substantial growth and anticipating more in the coming decades. Downtown will accommodate a share of that growth with new housing and businesses. Guiding growth in Downtown can minimize negative impacts and advance community values such as making space for more businesses and residents, water-efficient development, and offering attainable housing options for all ages and stages of residents.

To guide growth in Downtown that is consistent with the community's overall growth vision, St. George will pursue the following vision and strategies:

2.1 STIMULATE COMMERCIAL REVITALIZATION

Downtown buildings are, on average, older than other parts of St. George. On some commercial properties in Downtown, existing structures have less monetary value than the underlying land. Where such properties are clustered, infill and redevelopment can revitalize the area by increasing housing and supporting existing and new businesses.

a. Encourage multistory, vertical mixed use development and community gathering spaces in Lively Character Areas; and mixed commercial and infill housing in Connected Corridor Character Areas.

b. Encourage owners to maintain and refresh commercial properties' appearance and value.

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2.2 ENCOURAGE RESIDENTIAL REINVESTMENT AND MAINTENANCE

Downtown neighborhoods today contain a healthy and diverse mix of single and multifamily housing in one-story and two-story formats. Some properties include an accessory dwelling unit, apartment, or second house for extended family members or to provide rental income.

a. Allow variation in the single and multifamily residential mix as directed by Character Area policies.
b. Encourage upkeep and maintenance of multifamily properties through supportive programs and regulations.
c. Allow and encourage residential property updates and reinvestment through streamlined approvals of building expansions up to the full zoned height and footprint.
d. Explore zoning incentives that encourage redevelopment on parcels where the Assessor's records indicate that the building value is less than the land value.
e. Offer a temporary, well-publicized "amnesty" period and thereafter, enforce the existing rental dwelling unit licensing requirement that ensures existing unregistered Downtown units are safe and habitable.

2.3 ADVANCE COMPACT DEVELOPMENT TO MAKE EFFICIENT USE OF LAND AND WATER

Compact Downtown land development patterns as exist today and envisioned in this Plan are inherently land efficient and water efficient compared to many other St. George neighborhoods. Accommodating a portion of growth through higher intensity infill and redevelopment offers opportunities to implement related policies of both this Plan and the General Plan.

a. Complete a capacity analysis to identify whether Downtown infrastructure can meet the needs of higher intensity land use from redevelopment and revitalization; prioritize any needed upgrades.
b. Study the potential to scale the City's per unit impact fees across unit sizes, considering relative impacts of more compact development forms such as are prevalent in Downtown.
c. Implement landscaping requirements in Downtown new construction and infill projects that support compact development and utilize water wise plantings.
d. Periodically review the mapping of Character Areas to determine if any mapping adjustments are desireable to better implement responsible growth.

ECONOMIC VITALITY

Downtown is an important commercial center within the system of distributed commercial nodes throughout St. George. Its historic and ongoing employment niches of governance, education, and visitor services are unique to the City and region. Its retail niche is in dining, entertainment, and local specialty shops, with a base of essential retail such as grocery.

Arts — a distinctive and important aspect of the Downtown economy — is addressed under the Art & Culture section.

To position Downtown for continued economic success, St. George will pursue the following vision and strategies:

3.1 SUPPORT A VIBRANT OFFICE AND COMMERCIAL NODE

Downtown sits among a system of distributed nodes that provide convenient employment and commercial access to areas of St. George. Downtown's commercial uses are predominantly professional offices, lodging, dining, entertainment, and small-scale specialty retail, with some community and neighborhood-serving commercial uses.

a. Develop and enhance activity centers and expand housing options within Downtown to help businesses attract and retain talented workers.
b. Convert underutilized right-of-way travel lanes in activity centers to expanded public sidewalks and seating areas.
c. To advance goals of this plan through public-private partnership, consider dedicating portions of underutilized right-of-way as a development incentive.
d. Review zoning and update as needed to ensure desired mixed and commercial uses including resturant and retail are easy to establish in Downtown.
e. Build infrastructure connecting Downtown to other adjacent commercial centers and identify ways to enhance the synergy between Downtown and these areas (e.g., Utah Tech University, Tech Ridge, Hospital, Sunset Corner.)



3.2 REMAIN THE REGIONAL CENTER OF GOVERNANCE

Since the founding of St. George, the Downtown area has been the seat of local and regional governance. Downtown's niche within the system of commercial nodes in St. George depends on retaining a strong cluster of City, County, and School District administrative services and workers.

a. Maintain City offices and services, and city-owned facilities, in Downtown.
b. Coordinate and collaborate with other governance entities, encouraging them to retain administartive offices and services in Downtown.

3.3 RETAIN AND PROMOTE INDEPENDENT AND LOCAL BUSINESSES

Community members value the many local, independent businesses that give Downtown a distinctive character. Support for business can take many forms.

a. Increase patronage by adding more housing and residents in Downtown.
b. Develop and manage lively, well-lit, activated community spaces to invite patrons to visit and linger in Downtown.
c. Provide targeted grant assistance to support enhancements to local and independent businesses and property owners (such as facade upgrades, outdoor patios, shade and cooling, grease interceptors, or similar as needs are identified).
d. Offer affordable space for start-up local and independent businesses, helping them get established in Downtown.
e. Support and invite existing and new Downtown shops and restaurants.

3.4 EMBRACE POST-SECONDARY & UNIVERSITY EDUCATION

Strong public schools enhance the livability and appeal of Downtown's neighborhoods. Utah Tech University is an important economic driver and asset located in Downtown.

a. Support Utah Tech University's Master Plan and efforts to better integrate the campus with Downtown.
b. Improve streets and trails to enhance bicycle and pedestrian access between campus and adjacent destinations.
c. Allow new housing development for students via revitalization in Lively, Connected Character, and Connected Neighborhood Character Areas.
d. Collaborate with Utah Tech University on branding efforts near campus and along key access routes.







Existing character along Tabernacle between UTU and the Arts District



Proposed character along Tabernacle between UTU and the Arts District with potential development and streetscape improvements

3.5 WELCOME AND SERVE VISITORS

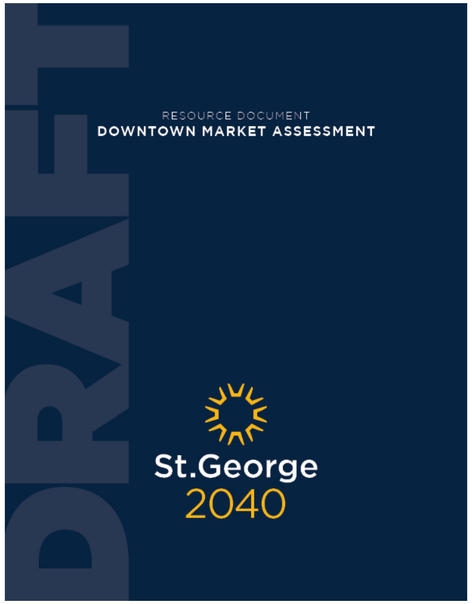
Visitors help support St. George business, arts, and overall economy, allowing for a wider range of options than the community can support on its own.

a. Work closely with regional and area organizations to help promote Downtown's offerings and attractions.
b. Retain a strong cluster of visitor services and lodging in and near Downtown.
c. Within a comprehensive wayfinding and signage program, enhance directional signage to help visitors navigate to and through Downtown efficiently.

3.6 ENHANCE DOWNTOWN DISTRICT ACTIVATION

Coordination among Downtown merchants, arts and cultural venues, property owners, and event organizers can offer synergistic benefits for all. Activities that invite community members to gather in community spaces and linger maximize the benefit of investments in community spaces.

a. Increase the City's leadership role and capacity to collaborate with private and institutional partners on activation of the North Main Lively Character Area.
b. Strengthen City Partnerships between Arts and Economic Development departments.
c. Activate the district with regular, worker-friendly and family-friendly activities on weekend days and evenings.
d. Coordinate collaborative marketing and branding efforts for Downtown, including media, events, banners and similar.
e. Coordinate arts performances and events with evening merchant hours to extend informal evening leisure for patrons.





ARTS & CULTURE INTEGRATION

Downtown embodies the foundation of our historic settlement as well as the creative expression of our current culture. With a designated Arts District, Downtown is the ideal place to cluster and promote a rich diversity of venues, events, and performances. In addition to their inherent value and contribution to lifestyle, arts & culture are an important economic driver in Downtown.

To enhance cultural, arts, and historic assets in Downtown, St. George will pursue the following vision and strategies:

4.1 PROTECT HISTORIC ASSETS AND CHARACTER

Historic buildings preserve heritage and lend character to Downtown, which are valued by the St. George community and history-loving visitors.

a. Encourage property owners to register historic properties with the National Register of Historic Places to enable opportunities for tax credits to support restoration and preservation and preserve the history of the community.

4.2 PROMOTE HISTORIC ASSETS AND INTERPRETATION OF SOUTHERN UTAH'S PIONEER HISTORY

Downtown offers unique historical assets from St. Geroge's rich Pioneer history. Some key assets have Historic Landmark status and interpretive signage, but many do not.

a. Connect Downtown to surrounding historic, archaeological, and cultural assets with public access, and protect any such assets as may be discovered in Downtown in the future.
b. Promote the Landmark historic designation opportunity to property owners of eligible properties, and support those that choose to pursue designation.
c. Update zoning and development design regulations to protect historic buildings, providing design compatibility, transitions and buffers from infill and redevelopment.
d. New development in areas with historic character should complement but not replicate historic features

4.3 ENHANCE ARTS, EVENTS, AND ACTIVITIES

Public art enhances Downtown, while the arts district offers a range of cultural organizations and venues. Longstanding, large-scale community events should continue in Downtown. Adding frequent, small-scale activities can help activate and invite the community to frequent Downtown without substantial traffic and parking impacts.

a. Continue to own and provide subsidized public facilities for the use of arts and cultural organizations
b. Continue to foster partnerships and support additional performance venues in the Arts District.
c. Continue to provide City support for public art programs in Downtown.
d. Incorporate art into Downtown publicly owned buildings, public infrastructure, and public-private development projects.



Downtown includes incredible historic structures that reflect the pioneer heritage of the community.

e. Offer diverse large-scale events in Downtown that gather community members and help foster and retain a connected, friendly, small-town feel.
f. Manage Downtown to activate community spaces such as parks and plazas with small-scale social activities.
g. Continue pedestrian enhancements between arts venues, civic buildings, dining and shops to link to new facilities and encourage reinvestment.
h. Encourage and create policy guidance for murals and other artistic treatments on blank, non-historic building facades.

4.4 OFFER INVITING SPACES FOR INFORMAL GATHERING AND ENTERTAINMENT

Residents seek the opportunity to linger in Downtown before and after purpose-driven visits. Informal entertainment spaces offer opportunities for community connection and identity.

a. Develop and enhance spaces for informal gathering and entertainment for people of all ages in activity centers.
b. Encourage private dining and shopping adjacent to and within public gathering spaces, to enliven and provide reasons to linger.
c. Use lighting and furnishings in community spaces to enhance safety and invite evening social use.
d. Encourage public access plazas and seating areas as part of private development to activate street edges.
e. Enhance the design features on Main Street to add more outdoor seating capacity and enhance the ability to use it for festivals and events.
f. Analyze the best use and configuration of Zion Square to help activate the surounding Lively Area.
g. Investigate and consider adopting policies to invite and monitor buskers in the Arts District.
h. Identify and implement specific enhancements to Town Square to advance the economic vitality, arts and culture, and lifestyle vision of this plan.





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CONNECTION TO NATURE

The natural beauty of St. George is a vital asset to the city and its residents. Downtown landscaping includes native and desert species, offers urban-scale recreation opportunities, and is connected through views and trails to the recreation and beauty of the surrounding desert environment.

To preserve and enhance Downtown's connection to nature, St. George will pursue the following vision and strategies:

5.1 CONNECT DOWNTOWN VIA AN URBAN TRAIL NETWORK

The trail network is a highly valued asset in St. George that should be connected and extended into and through Downtown.

a. Implement the Parks, Recreation, and Trails Plan and add bike lanes and pedestrian enhancements to connect the trail network in and through Downtown.
b. Conduct a walk shed analysis to Downtown trails, parks, and greenspace to identify average walk times and opportunities to improve access. Incporporate walk time signage in a comprehansive Downtown wayfinding and signage program.
c. Create an Urban Trail Network that links Downtown residents, workers, and visitors to parks, trails, and other recreation amenities as shown on page 31. ➡
d. Develop pedestrian connections from activity centers in Downtown to nearby destinations such as Utah Tech University, the Hospital, Tech Ridge, etc.
e. Build trails that ascend steep slopes to connect Downtown physically to nearby bluffs.

5.2 MAINTAIN AND ADD PARKS & NATURAL SPACES

Downtown parks and open spaces are important amenities that contribute to a high quality of life for residents, workers, community members, and visitors. Downtown redevelopment will implement water wise landscaping requirements.

a. Maintain and periodically refresh existing parks in Downtown. Implementing water wise landscaping except where traditonal turf is warranted for active uses.
b. Implement the Parks, Recreation, and Trails Plan as it relates to Downtown.
c. Encourage street tree maintenance in the public right of way.
d. Develop a City program to expand the street tree canopy in Downtown.
e. Encourage privately managed pocket parks and natural spaces within in infill development that can serve occupants. Implement water wise landscaping.
f. Consider adding a small (less than 3 acres) urban parks category to City managed parks in order to allow the private sector to develop and convey new public green spaces in Downtown.

5.3 PRESERVE BLUFF VIEWS

A location nestled beneath the desert bluffs is an asset in Downtown. Views of bluff features retain this connection to nature and history.

a. Protect bluffs from additional scarring through the Hillside Ordinance, while allowing for trail access.
b. Protect scenic views by maintaining existing wide rights of way in public use or unobstructive use such as landscaped areas, outdoor seating, etc.

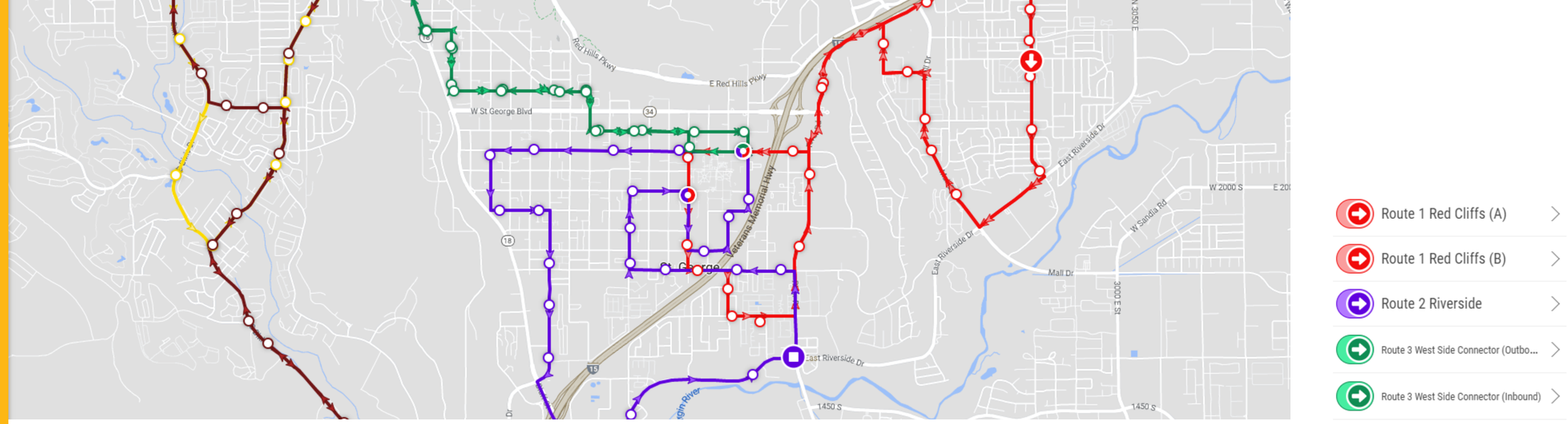
5.4 AVOID HAZARDS AND PROTECT SENSITIVE LANDS

Steep slopes on private property in north and southwest portions of Downtown are subject to rockslide and other hazards that have resulted in condemnation of private development.

a. Updates to the Hillside Ordinance directed in the General Plan Connected to Nature Element should include consideration of any provisions specific to Downtown.







ACCESSIBLE CITY

At the physical center of the community, Downtown is a connection point for roads, transit lines, and trails that accommodate diverse mobility options. Walkable Downtown neighborhoods envisioned in this DAP will increase convenience and help reduce traffic and parking impacts of accommodating growth.

To offer safe, connected, accessible mobility to and within Downtown, St. George will pursue the following vision and strategies:

6.1 ACCOMMODATE VARIED TRAVEL MODES SAFELY

Diverse modes of travel will be accommodated in Downtown, including vehicles, transit, bicycles and pedestrians. In Downtown, the focus of transportation is on mobility and the pedestrian experience, rather than traffic volumes. In order to encourage all modes, enhance some routes for vehicular flow and others for alternative modes.

a. Enhance Downtown roadways to provide comfortable movement on diverse modes in accordance with the Downtown Connections Map and adopted city street sections as shown on the following pages.
b. Implement the adopted Complete Streets policy in Downtown consistent with the Streets hierarchy on page 31.
c. Update planned improvements for 100 South to a Complete Streets treatment, aligned with the General Plan.
d. Collaborate with Utah Tech University to plan and implement enhanced entryway and pedestrian connections from Utah Tech University to Downtown activity centers.
e. Refresh and implement a comprehensive wayfinding and signage plan for Downtown.

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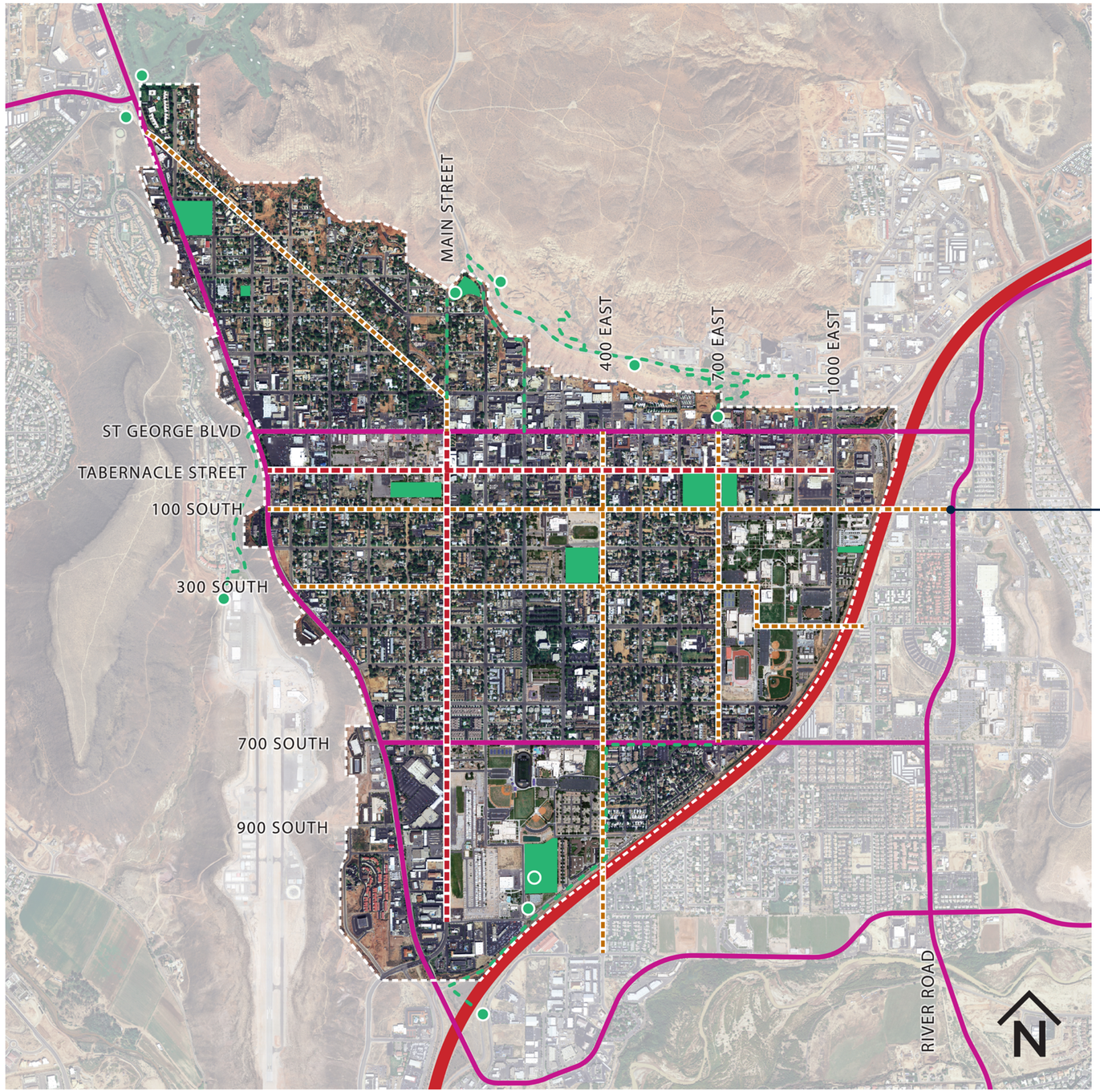
CONNECTION TO NATURE

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Downtown Connections Map



100 South is envisioned to be improved as a complete street, and a **primary transit route** connecting the St. George Hospital to Utah Tech University, the Arts District, and ultimately, Tech Ridge

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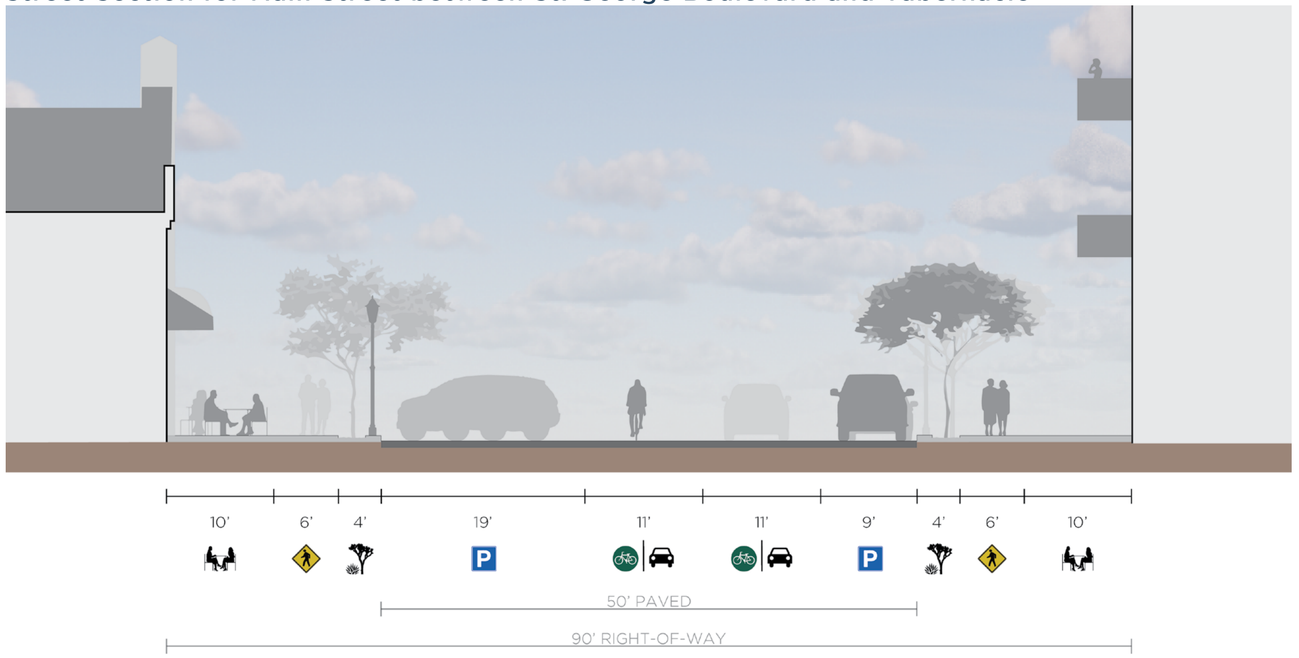
CONNECTION TO NATURE

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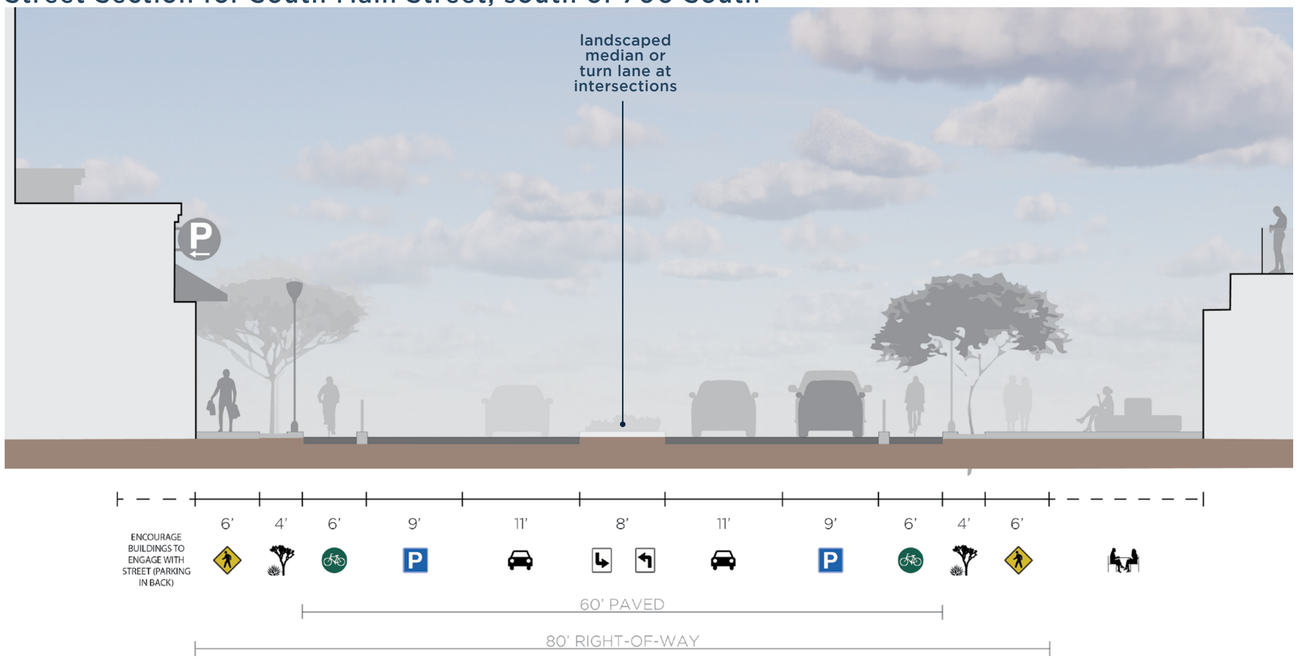
RESOURCE DOCUMENTS

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Street Section for Main Street between St. George Boulevard and Tabernacle



Street Section for South Main Street, south of 700 South



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DOWNTOWN CHARACTER AREAS

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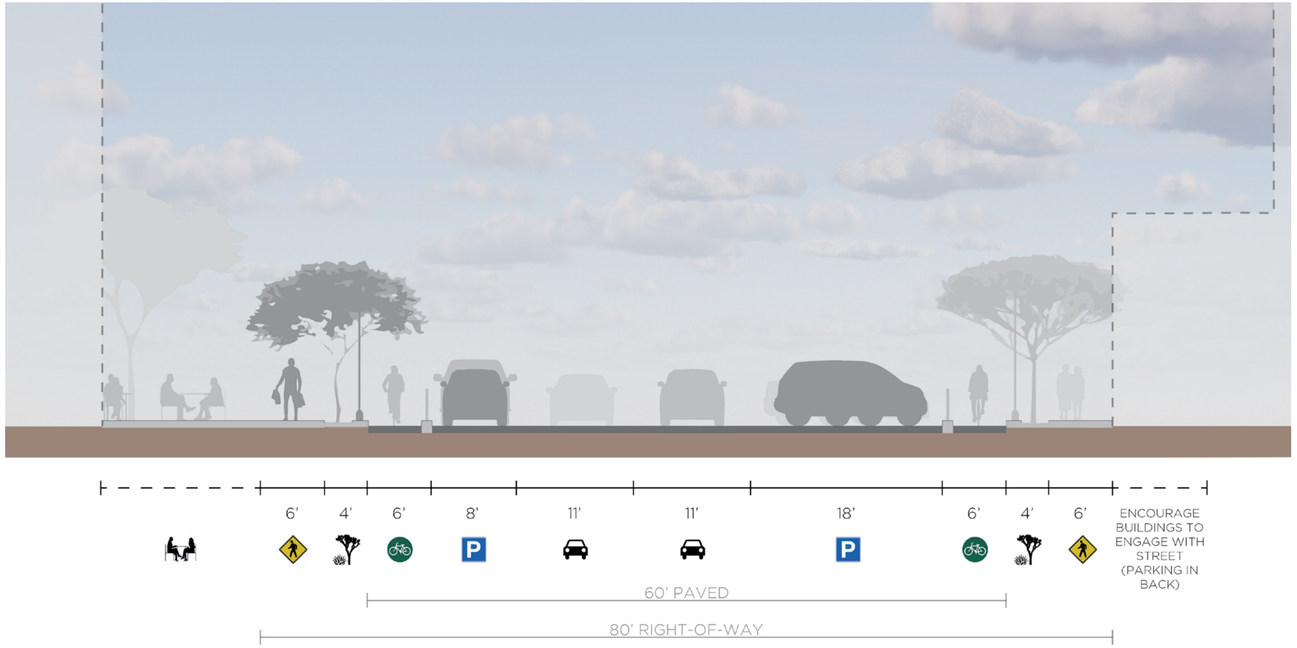
CONNECTION TO NATURE

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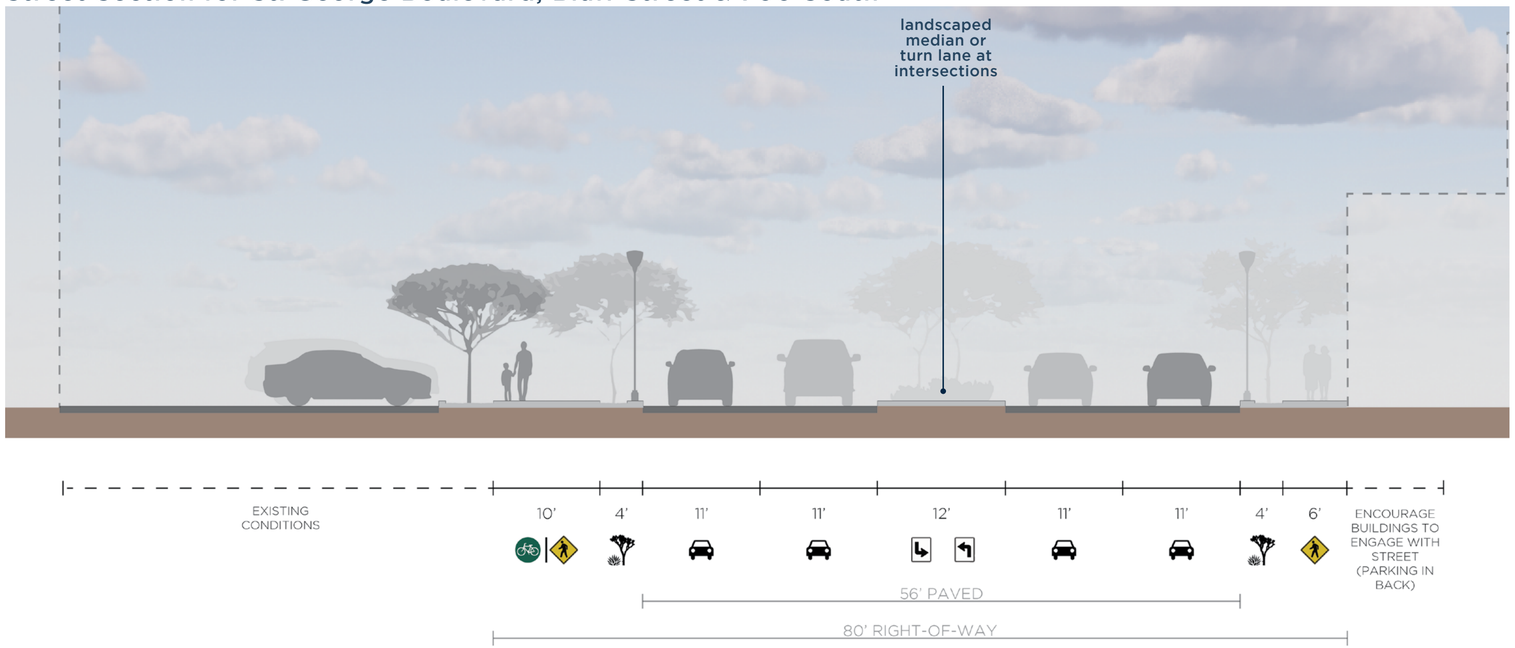
RESOURCE DOCUMENTS

DRAFT

Street Section for Tabernacle



Street Section for St. George Boulevard, Bluff Street & 700 South



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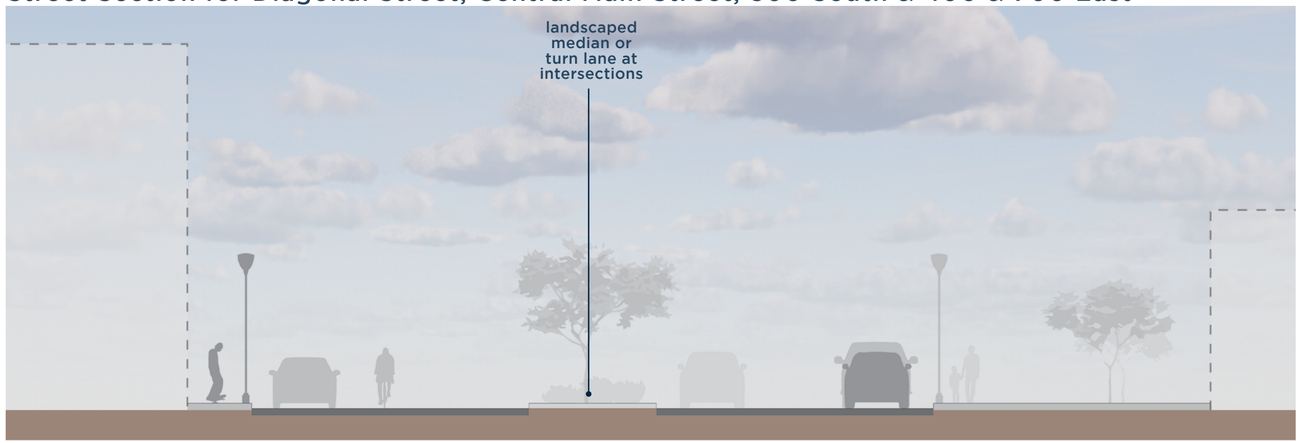
CONNECTION TO NATURE

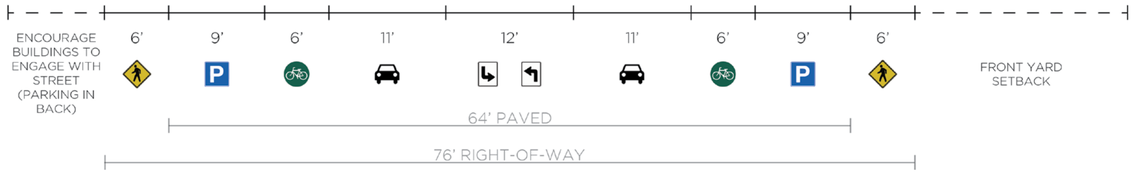
ACCESSIBLE CITY

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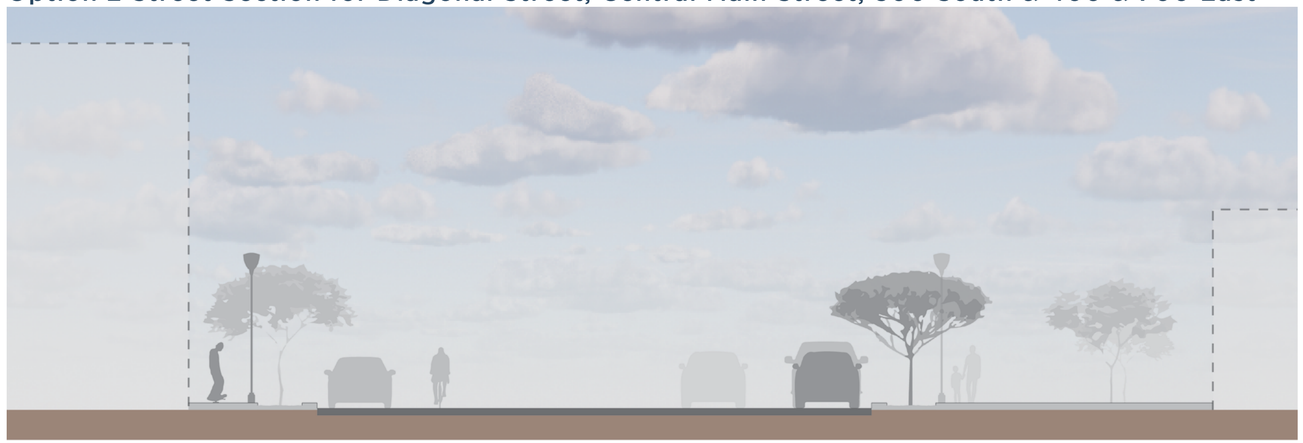
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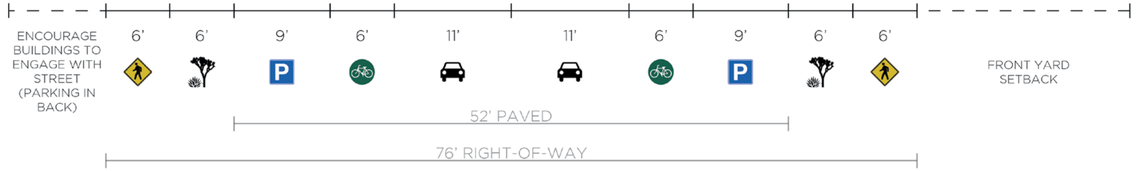
Street Section for Diagonal Street, Central Main Street, 300 South & 400 & 700 East





Option 2 Street Section for Diagonal Street, Central Main Street, 300 South & 400 & 700 East





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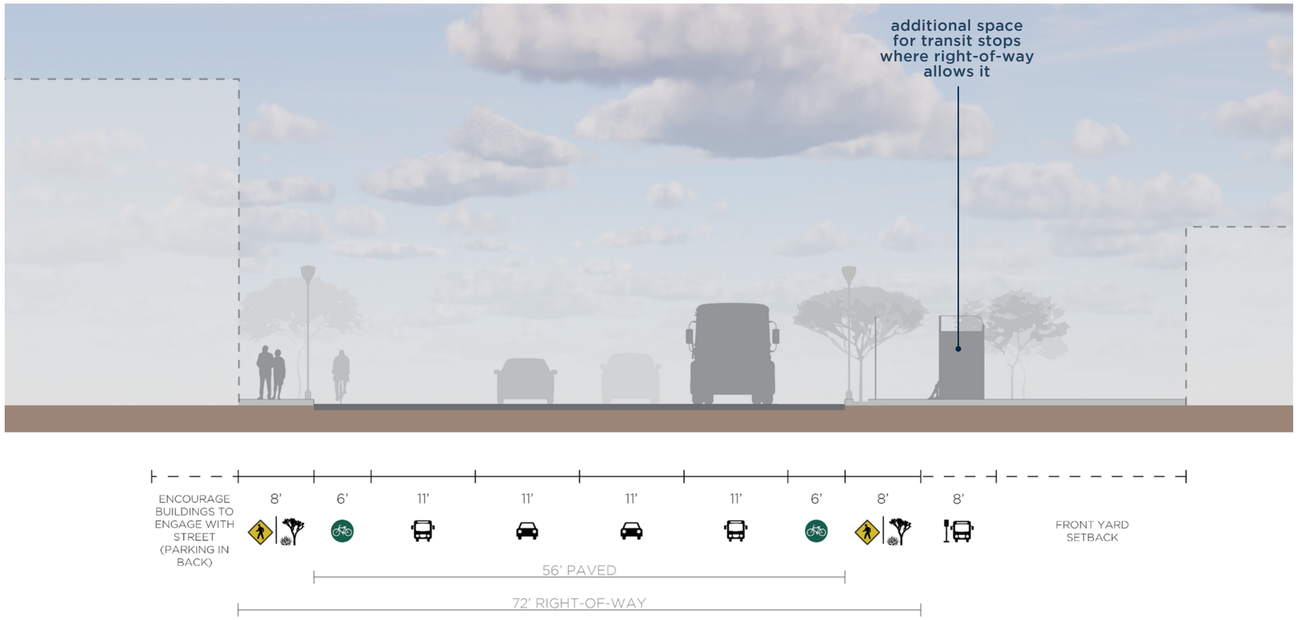
CONNECTION TO NATURE

ACCESSIBLE CITY

RESOURCE DOCUMENTS

DRAFT

Street Section for 100 South



6.2 MANAGE PUBLIC PARKING SUPPLY

The 2021 parking study shows that management of free public parking resources in the arts district could improve patron convenience and encourage pedestrian circulation. With new growth and infill development, structured and shared parking may be increasingly important to providing supply proximate to demand.

a. Provide improved signage to direct visitors to public parking facilities.
b. Manage public parking structures to invite and encourage use by enhancing signage and lighting, moving long-term parking to upper floors, and similar strategies to make existing parking more accessible.
c. Limit duration of free parking in and adjacent to the Arts District to ensure patron access to businesses; periodically assess the need for additional parking management actions.
d. Encourage the use of shared parking in new developments.
e. Analyze Downtown parking regulations to determine whether updates are needed to support compact, mixed use redevelopment.
f. Consider implementing a parking application to support parking Downtown.

6.3 CONTINUE TO INVEST IN TRANSIT TO SERVE RESIDENTS AND WORKERS

Most St. George Downtown workers live outside of Downtown and most Downtown residents work outside of Downtown. Transit is critical to connect workers and residents to jobs and daily needs. A long term goal is to make carless living practical in Downtown's Lively and Connected Corridor Character Areas.

a. Retain Downtown as the central hub of the transit system, consistent with the 2020 SunTran Transit Study recommendations.
b. Designate locations for rideshare drop-off within the Arts District to reduce traffic flow disruptions and increase user safety.
c. Implement pedestrian-friendly improvements within walking distance from the transit hub and other high use transit stops in Downtown as directed in the Parks, Recreation, and Trails plan.
d. Recommend an east-west transit route that connects Tech Ridge, Utah Tech University and St. George Regional Hospital consistent with modal roadway hierarchy in Downtown Connections Map on page 31.

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RESOURCE DOCUMENTS

- *City of St. George Complete Streets policy*
- *City of St. George Hillside Ordinance*
- *City of St. George Housing Action Coalition*
- *City of St. George Moderate Income Housing Plan*
- *City of St. George Parks, Recreation, and Trails Plan*
- *City of St. George Active Transportation Plan*
- *Downtown St. George DRAFT Parking Study 2021*
- *Downtown St. George Vibrancy Strategies 2022*
- *SunTran Transit Study*
- *United States Census Bureau On the Map*
- *Utah Tech University (formerly Dixie State University) Master Plan*
- *Washington County Water Conservation Plan*

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE DOWNTOWN AREA PLAN.

WHEREAS, The Downtown Area Plan provides guidance for goals and policies in the community and the City may revise the Downtown Area Plan as appropriate; and

WHEREAS, the City Council considered the item at a public meeting on the requested adoption on November 3, 2022; and

WHEREAS, the Planning Commission held a public hearing on October 18, 2022; and

WHEREAS, the City Council has determined that adoption of the Downtown Area 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 Downtown Area Plan 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 3rd day of November 2022.

CITY OF ST. GEORGE:

_____
Michele Randall, Mayor

ATTEST:

_____
Christina Fernandez, City Recorder

APPROVED AS TO FORM:
City Attorney's Office

_____
Jami Brackin, Deputy City Attorney

VOTING OF CITY COUNCIL:

Councilmember Hughes _____
Councilmember McArthur _____
Councilmember Larkin _____
Councilmember Larsen _____
Councilmember Tanner _____

EXHIBIT A
Downtown Area Plan

Agenda Date: 11/03/2022 **Agenda Item Number:** 09

Subject:

Consider approval of the preliminary plat for Auburn Hills Phase 16, a 10-lot residential subdivision located at approximately the northwest corner of Auburn Hills Phase 1.

Item at-a-glance:

Staff Contact: Wes Jenkins

Applicant Name: Bob Hermandson, Bush & Gudgell

Reference Number: 2022-PP-042

Address/Location:

Approximately the northwest corner of Auburn Hills Phase 1.

Item History (background/project status/public process):

The proposed subdivision is located in the Desert Color development. The zoning is PD-R (Planned Development Residential). The proposed preliminary plat meets the current general plan designation and zoning.

Staff Narrative (need/purpose):

The purpose of this preliminary plat is to show the proposed subdivision of the property into lots and roadways.

Name of Legal Dept approver: N/A

Budget Impact: No Impact

Recommendation (Include any conditions):

Planning Commission recommends approval.

St.George
Community Development

PRELIMINARY PLAT

PLANNING COMMISSION AGENDA REPORT: **10/25/2022**
CITY COUNCIL: **11/03/2022**

PRELIMINARY PLAT
Auburn Hills Phase 16
Case No. 2022-PP-042/22-013

Request: To approve a preliminary plat for a ten (10) lot residential subdivision.

Location: The site is located at approximately northwest corner of Auburn Hills Phase 1.

Property: 5.52 acres

Number of Lots: 10

Density: N/A

Zoning: PDR

Adjacent zones: This plat is surrounded by the following zones:
North – PD-R
South – PD-R
East – PD-R
West – PD-R

General Plan:

Applicant: Bush and Gudgell

Representative: Bob Hermandson

Comments:

Preliminary Plats



September 21, 2022

1:2,101

0 0.0175 0.035 0.07 mi

0 0.0275 0.055 0.11 km

Preliminary Plat – Auburn Hills Phase 16

B&G PROJECT NUMBER 221561

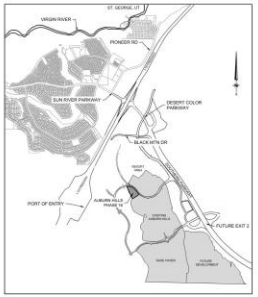
AUBURN HILLS PHASE 16

AT DESERT COLOR

PRELIMINARY PLAT

LOCATED IN ST. GEORGE, UTAH

SOUTHWEST 1/4 OF SECTION 25 & SOUTHEAST 1/4 OF SECTION 26
TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN



VICINITY MAP
N.T.S.

AUBURN HILLS PHASE 16 LEGAL DESCRIPTION

BEGINNING AT A POINT THAT LIES NORTH 88°35'05" WEST ALONG THE SECTION LINE 2640.78 FEET AND DUE NORTH 1791.37 FEET, FROM THE SOUTH QUARTER CORNER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE NORTH BOUNDARY LINE OF AUBURN HILLS PHASE 1, DOCUMENT NO. 20190023357, OFFICIAL RECORDS, WASHINGTON COUNTY, UTAH, AND RUNNING THENCE ALONG SAID LINE THE FOLLOWING FIVE (5) COURSES: 1) SOUTH 40°25'23" WEST 32.22 FEET, 2) SOUTH 55°40'39" WEST 125.33 FEET, 3) NORTH 32°23'29" WEST 4.85 FEET, 4) SOUTH 57°16'59" WEST 60.00 FEET, AND 5) SOUTH 55°40'39" WEST 156.18 FEET TO THE EAST BOUNDARY LINE OF AUBURN HILLS PHASE 3, DOCUMENT NO. 20200047167, OFFICIAL RECORDS, WASHINGTON COUNTY, UTAH; THENCE ALONG SAID EAST BOUNDARY LINE THE FOLLOWING FIVE (5) COURSES: NORTH 34°04'21" WEST 106.20 FEET, THENCE NORTH 34°19'21" WEST 180.97 FEET, THENCE NORTH 12°47'27" WEST 80.61 FEET, THENCE NORTH 24°56'59" WEST 275.80 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF DESERT COLOR RESORT PHASE 5, DOCUMENT NO. 20210059540, OFFICIAL RECORDS, WASHINGTON COUNTY, UTAH; THENCE ALONG SAID LINE THE FOLLOWING SIX (6) COURSES: 1) SOUTH 65°29'44" EAST 70.62 FEET, 2) EASTERLY ALONG A 66.00 FOOT RADIUS CURVE TO THE LEFT, (LONG CHORD BEARS NORTH 79°11'48" EAST A DISTANCE OF 49.42 FEET), CENTER POINT LIES NORTH 04°30'16" EAST THROUGH A CENTRAL ANGLE OF 30°33'12", A DISTANCE OF 49.86 FEET, 3) NORTH 63°54'42" EAST 1.00 FEET, 4) EASTERLY ALONG A 40.00 FOOT RADIUS CURVE TO THE RIGHT, (LONG CHORD BEARS SOUTH 89°54'42" EAST A DISTANCE OF 41.21 FEET), CENTER POINT LIES SOUTH 25°05'30" EAST THROUGH A CENTRAL ANGLE OF 59°19'12", A DISTANCE OF 42.19 FEET, 4) SOUTHEASTERLY ALONG A 650.00 FOOT RADIUS COMPOUND CURVE TO THE RIGHT, (LONG CHORD BEARS SOUTH 55°54'43" EAST A DISTANCE OF 445.20 FEET), CENTER POINT LIES SOUTH 14°33'16" WEST THROUGH A CENTRAL ANGLE OF 41°04'04", A DISTANCE OF 464.66 FEET, 5) SOUTH 35°24'41" EAST 149.96 FEET, AND 6) SOUTH 41°47'22" EAST 113.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 2403,419 SQUARE FEET OR 5.52 ACRES.



LIGHTING

"THIS PLAN WILL MEET ALL THE PHOTOMETRIC REQUIREMENTS LISTED IN THE DESERT COLOR ZONING PLAN. CURRENT APPROVED DESERT COLOR ZONING PLAN IS AMENDMENT #3 WHICH WAS APPROVED ON FEBRUARY 3, 2022. SEE SECTION 7.2 ON PAGE 105."

OWNER / DEVELOPER

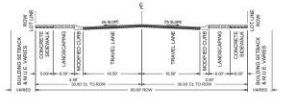
DESERT COLOR ST. GEORGE, LLC
PROJECT CONTACT: DANIEL LEMICH
(435) 920-1346
205 EAST TABERNACLE #2
ST. GEORGE, UT 84770

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

AGEC-APPLIED GEOTECH
GEOTECHNICAL ENGINEER: G. WAYNE ROGERS
(435) 673-4850
1426 SOUTH 270 EAST
ST. GEORGE, UT 84790

October 2022

BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors
205 East Tabernacle #4
St. George, Utah 84770
Phone (435) 673-2337



60' ROW ROAD SECTION

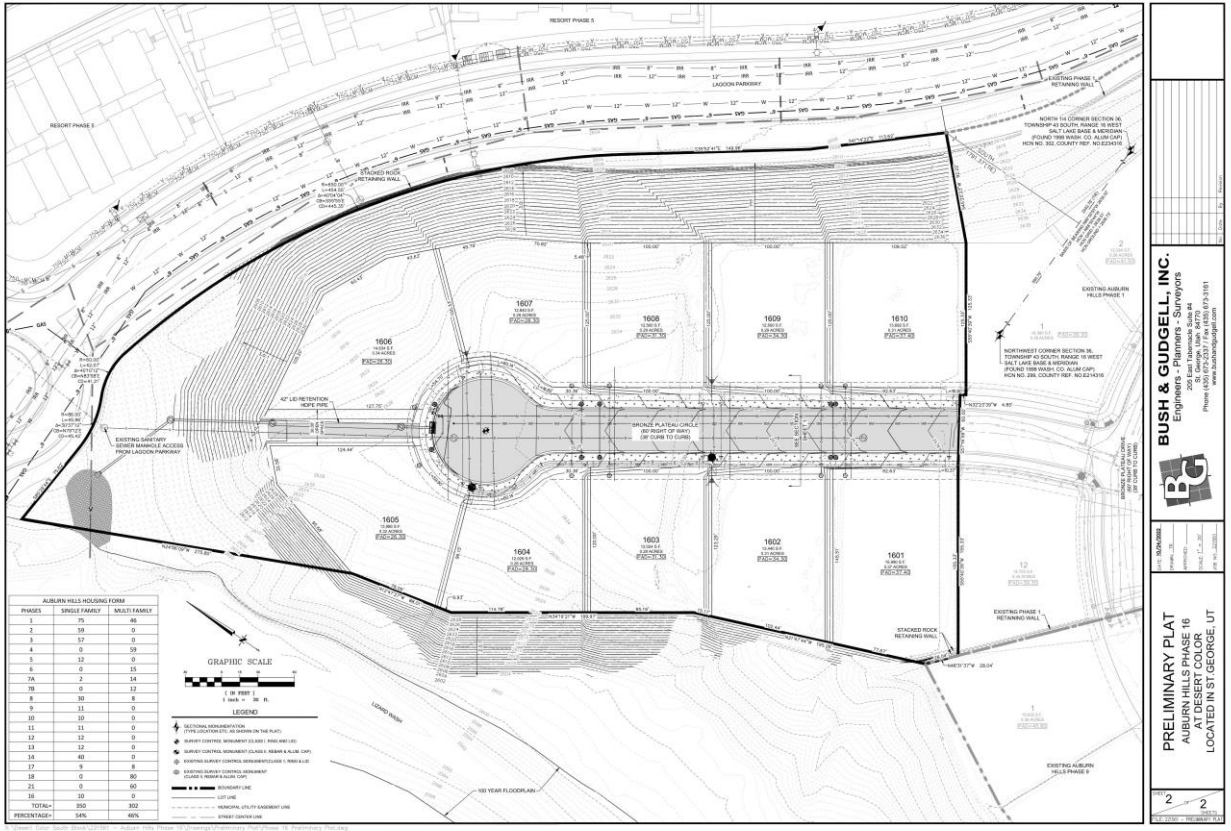
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Phone (435) 673-2337 / Fax (435) 673-3161
www.bushgudgell.com

COVER SHEET
AUBURN HILLS PHASE 16
AT DESERT COLOR
LOCATED IN ST. GEORGE, UT

SHEET 1 OF 2

Preliminary Plat – Auburn Hills Phase 16



Preliminary Plat – Auburn Hills Phase 16



September 21, 2022

1:2,101

0 0.0175 0.035 0.07 mi

0 0.0275 0.055 0.11 km

Preliminary Plat – Auburn Hills Phase 16

Agenda Date: 11/03/2022 **Agenda Item Number:** 10

Subject:

Consider approval of the preliminary plat for Desert Canyons Business Phase 1, a 12-lot commercial subdivision located at approximately the intersection of Airport Parkway and Southern Parkway.

Item at-a-glance:

Staff Contact: Wes Jenkins

Applicant Name: Ken Miller, DSG Engineering Inc

Reference Number: 2022-PP-038

Address/Location:

Approximately the intersection of Airport Parkway and Southern Parkway

Item History (background/project status/public process):

The proposed subdivision is located in the Desert Canyons area. The general plan is RES/OS and the zoning is C-2. The proposed preliminary plat meets the current general plan designation and zoning.

Staff Narrative (need/purpose):

The purpose of this preliminary plat is to show the proposed subdivision of the property into lots and roadways.

Name of Legal Dept approver: N/A

Budget Impact: No Impact

Recommendation (Include any conditions):

Planning Commission recommends approval.

St.George
Community Development

PRELIMINARY PLAT

PLANNING COMMISSION AGENDA REPORT: **09/13/2022**
CITY COUNCIL: **11/03/2022**

PRELIMINARY PLAT
Desert Canyons Business Phase 1
Case No. 2022-PP-038

Request: To approve a preliminary plat for a twelve (12) lot commercial subdivision.

Location: The site is located at approximately the intersection of Airport Parkway and Southern Parkway

Property: 49.38 acres

Number of Lots: 12

Density: N/A

Zoning: C-2

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

General Plan: RES/OS

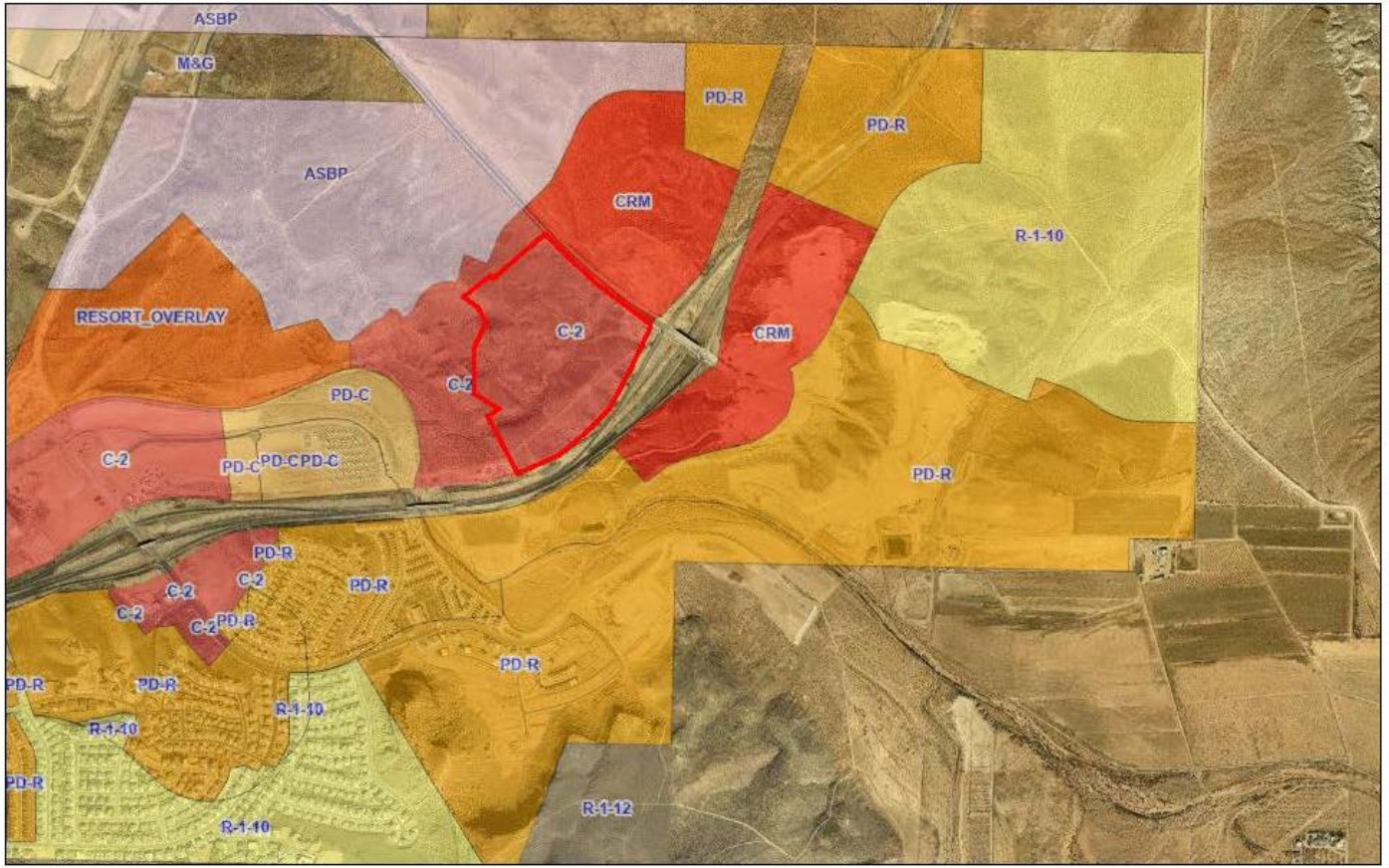
Applicant: DSG Engineering Inc

Representative: Ken Miller

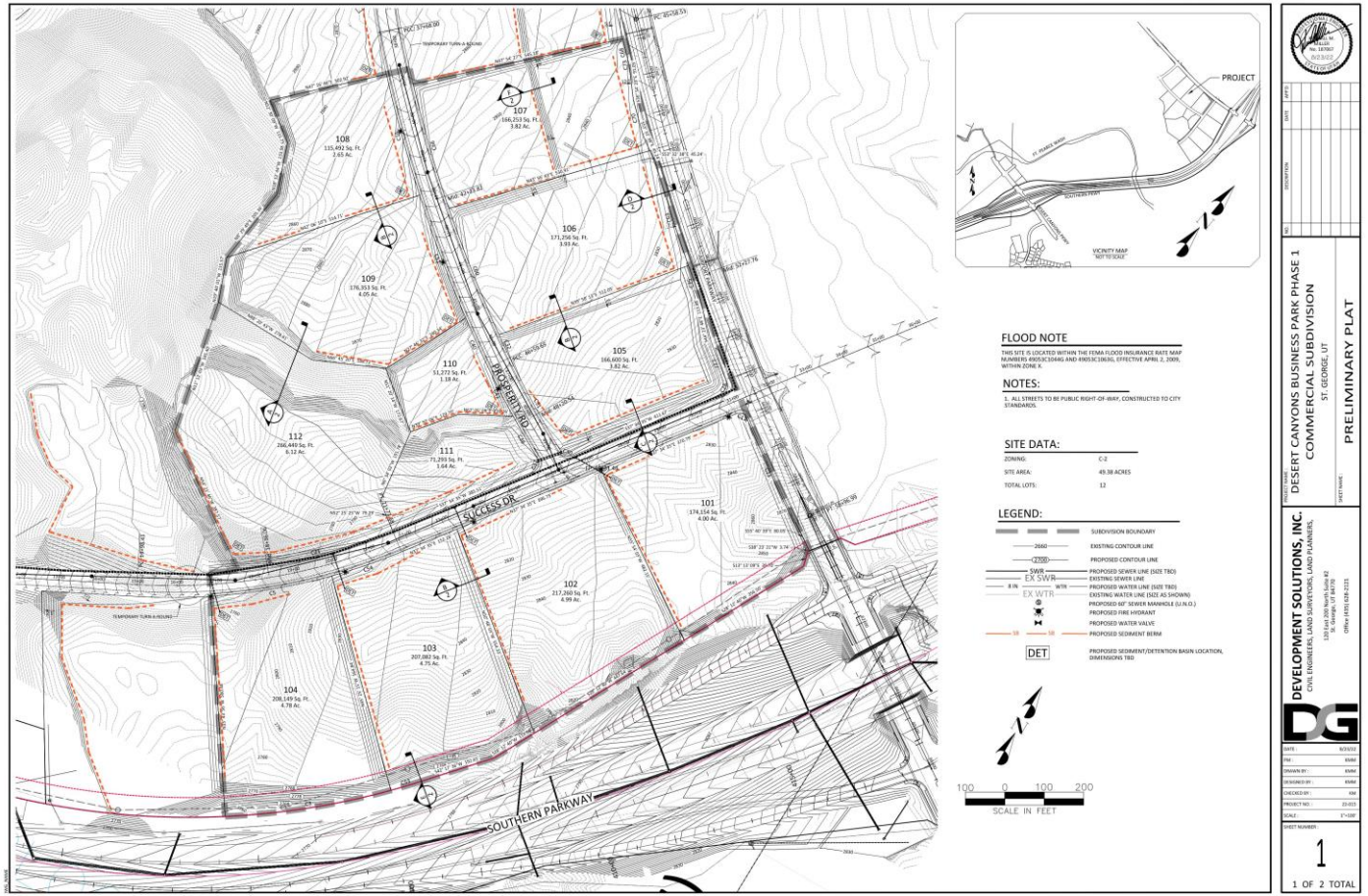
Comments:



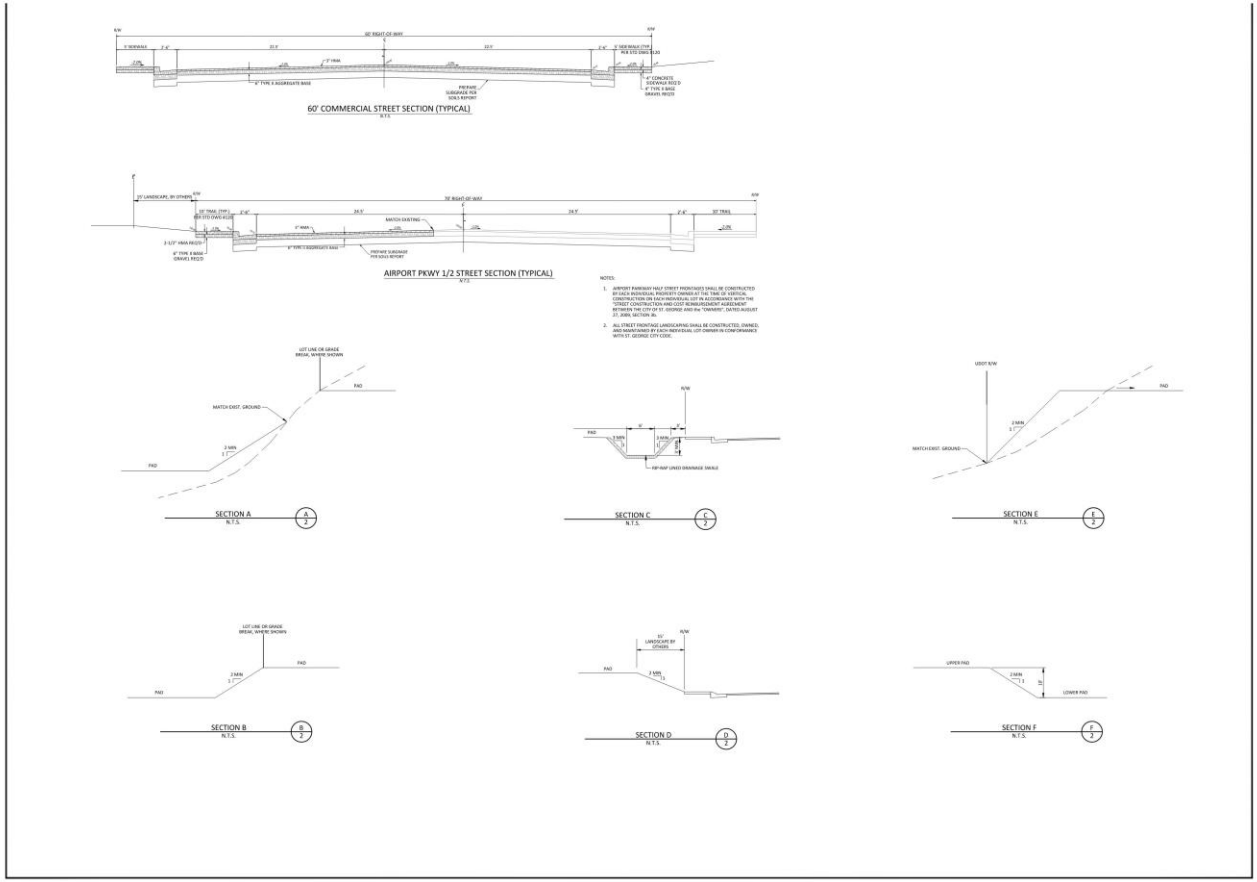
Preliminary Plat – Desert Canyons Business Phase 1



Preliminary Plat – Desert Canyons Business Phase 1



Preliminary Plat – Desert Canyons Business Phase 1



Preliminary Plat – Desert Canyons Business Phase 1

Agenda Date: 11/03/2022 **Agenda Item Number:** 11

Subject:

Consider approval of the preliminary plat for Webb Acres Phases 2 and 3, a 49-lot residential subdivision located at approximately 3430 East and Seegmiller Drive.

Item at-a-glance:

Staff Contact: Wes Jenkins

Applicant Name: Mike Terry, DSG Engineering Inc

Reference Number: 2022-PP-040

Address/Location:

Approximately 3430 East and Seegmiller Drive

Item History (background/project status/public process):

The general plan designation on this property is LDR (Low Density Residential) and the zoning is RE-20 (Residential Estates 20,000 sq. ft. lot sizes). The proposed preliminary plat meets the current general plan designation and zoning.

Staff Narrative (need/purpose):

The purpose of this preliminary plat is to show the proposed subdivision of the property into lots and roadways.

Name of Legal Dept approver: N/A

Budget Impact: No Impact

Recommendation (Include any conditions):

Planning Commission recommends approval.

St.George
Community Development

PRELIMINARY PLAT

PLANNING COMMISSION AGENDA REPORT: **10/25/2022**
CITY COUNCIL: **11/03/2022**

PRELIMINARY PLAT
Webb Acres Phases 2 and 3
Case No. 2022-PP-040

Request: To approve an amended preliminary plat for a Forty-Nine (49) lot residential subdivision.

Location: The site is located at approximately 3430 E and Seegmiller Dr

Property: 26.04 acres

Number of Lots: 49

Density: 1.93

Zoning: RE-20

Adjacent zones: This plat is surrounded by the following zones:
North – A-1/A-20
South – R-1-8
East – A-20
West – R-1-10

General Plan: LDR

Applicant: DSG Engineering Inc

Representative: Mike Terry

Comments:

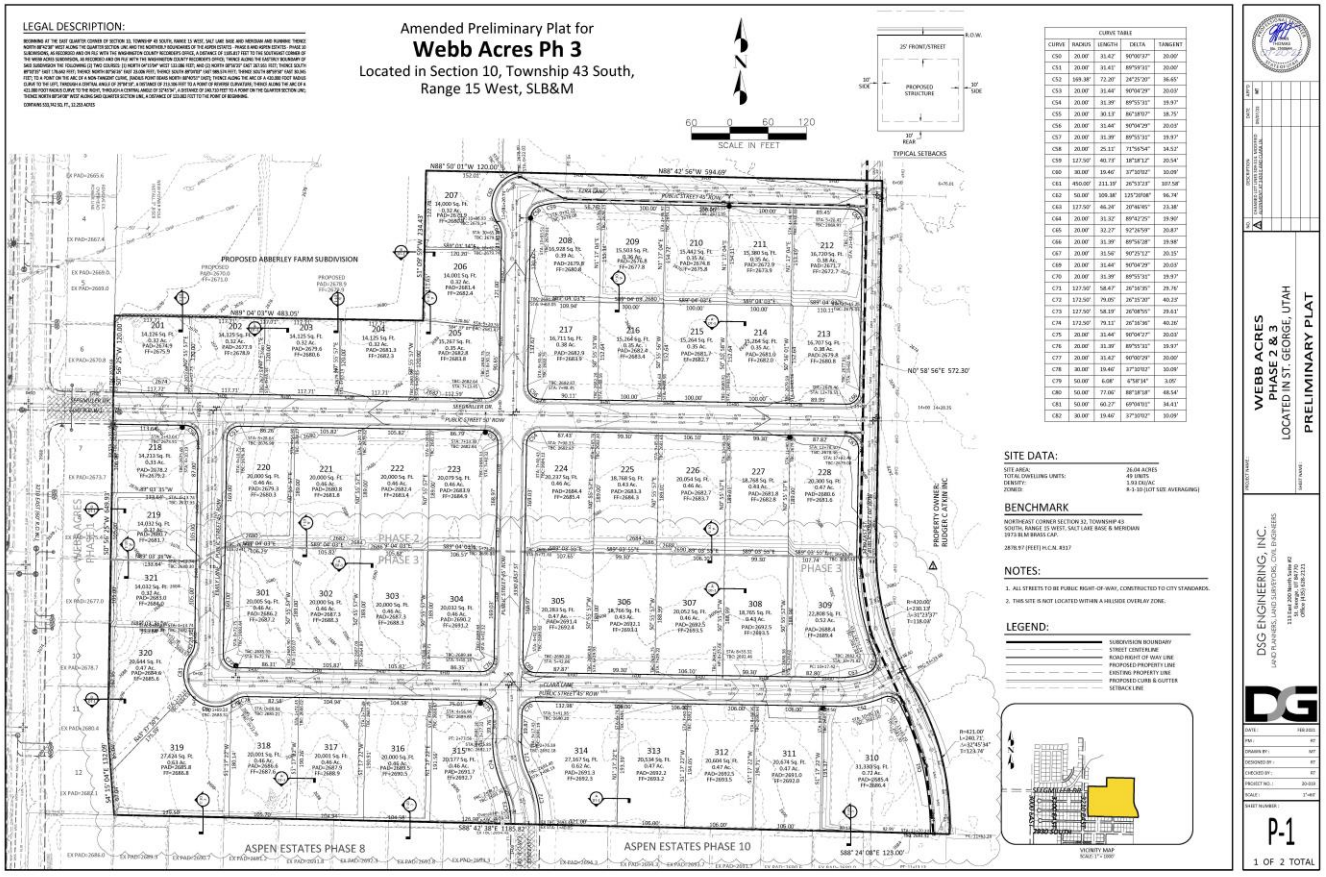
Preliminary Plats



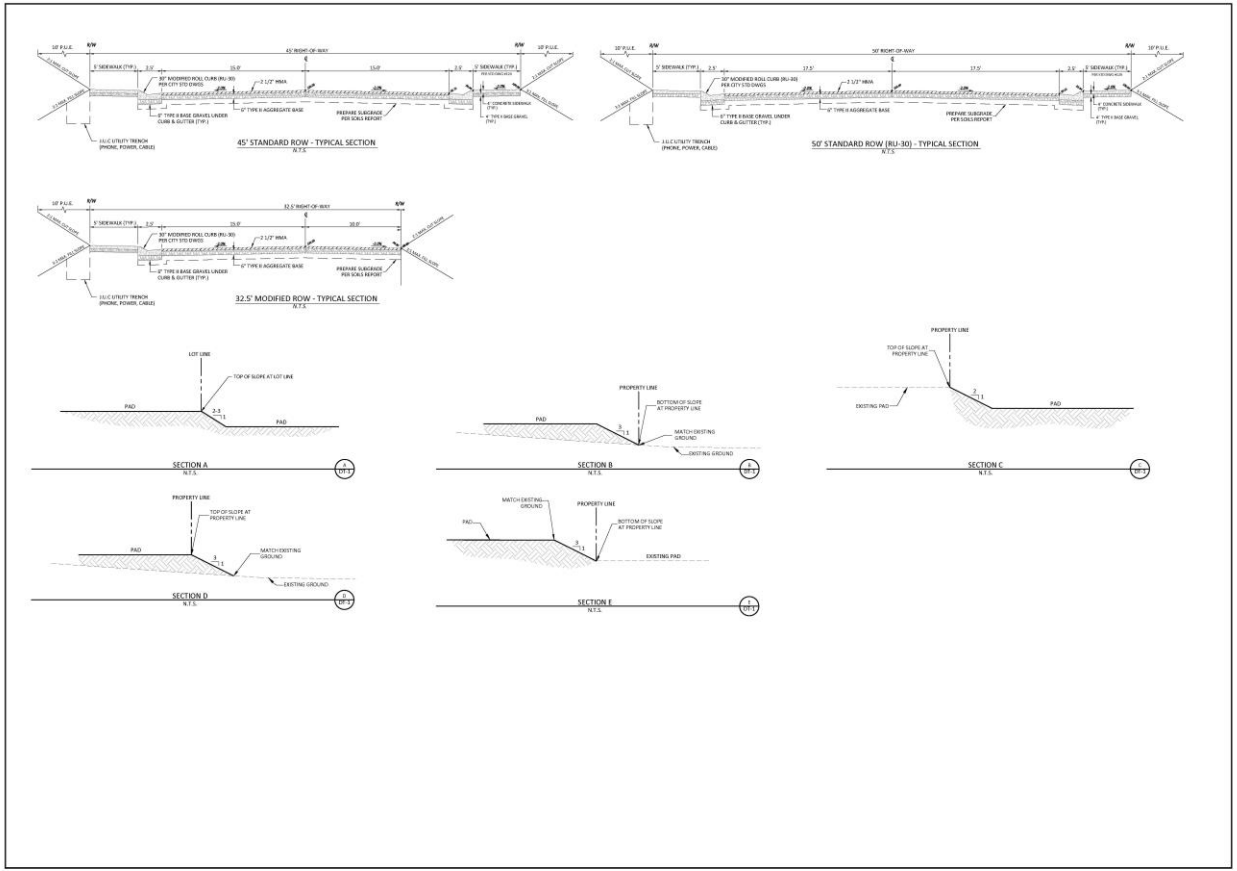
Preliminary Plat – Webb Acres Phase 2 and 3



Preliminary Plat – Webb Acres Phase 2 and 3



Preliminary Plat – Webb Acres Phase 2 and 3



Preliminary Plat – Webb Acres Phase 2 and 3