



## LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

Wednesday, May 28, 2025, 6:00 pm.

Council Chambers, 111 South Main Street

La Verkin, Utah 84745

- A. Call to Order:** Chair Allen Bice  
Invocation by Invitation; Pledge of Allegiance
- B. Approval of Agenda:**
- C. Approval of Minutes:** May 14, regular meeting.
- D. Reports:**  
The City Council and Director of Operations will present updates on meetings and activities.
- F. Business:**
  - 1. Discussion and possible action to recommend to City Council the Interstate Rock Project Critical Infrastructure Materials Protection Area. (Refer to additional information Fay Reber handed out during meeting on May 14, 2025)
- G. Adjourn:**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nancy Cline, City Recorder, (435) 635-2581, at least 48 hours in advance.

### **Certificate of Posting**

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, sent to the Spectrum newspaper, posted on the State website at <http://pnn.utah.gov>, posted on the La Verkin City website at [www.laverkin.org](http://www.laverkin.org), and at the city office buildings

111 S. Main and 435 N. Main on May 23, 2025

Nancy Cline, City Recorder



## LA VERKIN CITY PLANNING COMMISSION

### Work Meeting

Wednesday, May 14, 2025, 6:00 pm.

City Council Conference Room, 111 South Main Street

La Verkin, Utah 84745

**Present:** Chair Allen Bice; Commissioners: Hugh Howard, Kyson Spendlove, Sherman Howard, Matt Juluson, Richard Howard, and John Valenti; Staff: Derek Imlay, Fay Reber, and Nancy Cline; Public: Patricia Wise Blair Gardner, Brad Robbins.

The invocation and Pledge of Allegiance were given by Richard Howard.

#### A. Work Meeting

##### 1. Mixed Use.

Blair Gardner explained he has an interest in the Mixed-Use Zone. He would like to have his project as Mixed Use. He said it would be a good guinea pig to work on the zoning.

Commissioner Bice also directed the conversation to the new handout of a hotel and shopping center they just received. It will be located North across the street from Farmers Market. There's going to be a hotel opposite there. Page two shows you the hotel, and then north of that, they're wanting a mixed-use component with shopping on the bottom and, residential up above. He would like the conversation about Mixed Use to agree on how and what would be allowed in the zone. He used an example of towns that had places where you're downtown and there's laundry hanging out on the balconies or bicycles. He didn't think that's in La Verkin's best interest. He would like to see the people that live there being the owners or managers of the businesses below.

Commissioner Valenti wanted a restriction on the number of people that would be allowed to live upstairs from business.

Blain asked what the council's biggest fear of Mixed-use coming in.

Commissioner Bice explained Hurricane city has more land and can zone more for commercial when they want but La Verkin is limited to State Street. He said he grew up in La Verkin and it was a run-down state street for many years, and they do not want to go back to that. We have limited commercial, and we just need to be careful how we're dealing with it.

Commissioner Juluson added here's two different styles of multi-use too and that gives me pause too because you've got ones like yours and then you've got ones like this where there's probably multiple retails in the bottom and multiple housing up top. Or you could have just a little mom and pop shop that pops up and then you've got an apartment on top. Or you could even have a case where, I was reading in here, they have to have a garage, well what if they only have a 200 square foot commercial area? And they have a huge garage, and then this 14, 18, 2,000 square foot apartment on top of it. you must have two different types of, or separate, based on percentages, and multi-housing use, or single residence type of use. I lived at Cedar City, and that's how theirs is kind of set up. But they have, like, three different ones, because they have some around SUU, and then they have some separate ones. If we were ever to open Main Street and have that as an overlay business district, you'd probably get more of the little shops with the house on top.

Brad commented that traditional mixed use is commercial on the bottom and residential on top. Any one can live above the commercial businesses. Not just owners and managers. What Blair wants to do is more like Work/Live. He suggested different zones for each. Two zones, one Mixed-Use, and Live-Work. Blair's project has parking restrictions. He could only offer a handful of business types that would only need a few parking spaces.

Commissioner Spendlove agreed with the two zones. They could have different requirements for landscaping and parking. Mixed-Use would have more types of business than Live-Work.

Blair responded to the concerns over living conditions. The owners would have to have an active business license. He would love to help with affordable housing but it's almost impossible these days. This way they could have affordable

housing by living where they work and not having two monthly payments. The parking and the CC&Rs are designed to help support what the city wants. The look, the feel, and the professionalism. He is asking for a live-work zone not a mixed-use zone. Nine times out of ten, the retail is going to be owned by one person, one entity, one corporation. And then you're going to have multiple apartments, townhome style. This development agreement that allows the city a say in the rules of the CC&Rs without the obligation of enforcement. If they change the CC&R's then the city gets to approve of those changes.

Commissioner Bice commented that the city shouldn't be enforcing CC&R's.

Blair agreed and said they wouldn't be enforcing them, but the city would get informed of any changes and have to approve the changes.

Brad suggested splitting the zones into two parts. One mixed-use and the other Live-Work. Then they could design them into what would be allowed in those zones. Making them one zone is too confusing.

Blair added it would not be industrial business that he would allow. The interest he has from buyers now is not for residential or vacation rentals. It's been a garage door business, with attorneys, and an interior designer. He hopes for a Live-Work zone and a business license would be required.

Brad agreed that Blairs live-work would be for the come-and-go business or pickup delivery. It's a place to create, work and live.

Commissioner Juluson suggested as part of the mixed-use they could put vacation rentals above. So, the vacation rentals don't eat up all the land. They can have retail and vacation rentals with more opportunities for retail development.

Brad suggested they would change Blairs zone from commercial to work live. Then the commissioners decide what other properties would work for that, then zone the other commercial properties for Mixed-use.

Commissioner Richard Howard explained he likes Mixed-use and his grandparents, parents and he worked and lived in the same location to start their business and save on the cost. However, he is worried it will get out of control and be allowed all over the commercial property and not have enough retail business.

Commissioner Bice agreed they needed to control it. As people applied, they could decide if they are willing to support a zone change to Mixed-Use.

Brad explained that what he developed was the planning and development overlay on top of it. That way the planning commission and the council could actually see everything going on. You'd have input into the parking, the landscaping, and the architecture. They would have pretty much full control over something like that, including a development.

Commissioner Richard Howard was concerned with policing the people who are living there. They might have too many people in one building.

Commissioner Juluson added they should have a minimum commercial square footage, or percentage of the unit. So, the majority of the buildings are commercial and not living space.

Councilman Prince commented that those towns that do it right it brings the community together. It brings back a downtown instead of this urban sprawl that we get with no heart. If it's done right, it can be very appealing and bring your community together.

Blair explained that the reason he did a deck, the spacing, and my overlook is because we want the owners knowing their neighbors and to be polite and have a nice community. There's a little putty green that's going to be between two of the buildings where people can come and commune and be together. That was his way of trying to incorporate that as much as possible while trying to maximize the amount of square footage because ground is expensive. Foot traffic is not the

primary intention there. Because we don't allow a lot of parking in the vicinity. It's not designed like the Hot Springs and River Rock and all the potential development that's going to happen through the urban city.

Commissioner Bice explained that they decided to separate a live-work zone from a mixed-use zone. Have them have different requirements and standards and instead of trying to fit, because they are different uses, different applications.

Brad explained that what he's doing is more of a Live-Work development. His thoughts were instead of trying to put everything into one ordinance, just separate these things, let's do a little work, and then do mixed-use. He advised the commissioners to change the zone to a live-work zone.

Commissioner Spendlove added that he really liked what Blair's done with his units. One of the concerns he had is the majority of our commercial, or our highway commercial that could potentially have residential by it, and so it makes it hard to, in our current zoning the way it is, the heights, we don't have a lot of control, and he thought it's nice to have some height towards the highway. Honestly, it's appealing. But one of the things he would like in the zone would be some specifications or standards on instead of having railing, if they're going to have a deck, have a true wall that buffers the view to the neighbors. When we were there looking at the units, there was a guy barbecuing at the church next door. You could smell it. But to see him, you physically had to lean over that railing or that wall to see. And so, they could be sitting on their patio, they could be standing at the patio, and no one would be able to see into the yards without physically trying. He wanted to protect the residents' privacy.

Blair clarified that the decks that are facing into the community or into the development are railings, and the decks we have facing into neighbors, we have solid.

Commissioner Spendlove agreed that what you're saying. I think facing the residential, it makes more sense to have a solid. If it's into the development itself, I don't see a need.

Brad commented that they could let him create the new zone for mixed-use and take out the Live-Work. Then meet again to see what you like, what you don't like, and what you want to add.

Mr. Hilliard commented we are currently zoned commercial for four stories. Our hotel will be four stories, and then we were considering a second hotel. There's just not enough demand in the area. It'll be years before that's realized for a second hotel to ever pencil out, and so we would have an empty lot there for years and years. And really the missing piece that we see and our study shows is affordable housing, some residential apartments, and so a mixed-use zone, which would be majority of retail on the bottom floor, so a city gets to keep that commercial property and revenue. And then as you go up three stories, you have between apartments. One of the ideas that we have that will be enticing for staff is that we would be able to provide one or two of our general managers with both the hotel and this apartment complex, as well as our maintenance manager and a few other positions. So, it actually incorporates some live-work space as well.

Derek added that having a manager and employees be able to stay, be part of the overall, you know, being able to keep people if you may not pay them enough, at least they can stay there.

Commissioner Hugh Howard asked what they would do about families living in that area and what to do with kids bikes and toys.

Commissioner Spendlove commented they would need to add some open space areas to a zone like that.

Brad added that in the zone it would have a certain amount of open space and have storage units by the garages to help with storing their bikes, etc. He agreed to have a draft version for the meeting in June.

Derek agreed he will get the zoning outline from Brad to discuss the next meeting.

## 2. Discussion regarding Interstate Rock Product Proposal to create a Critical Infrastructure Materials Protection Area.

Fay explained We received an application for creation of the critical infrastructure materials protection area. That application by state law is required to go to the county advisory board, which has now been formed, and to the planning

commission review it and then come back with a recommendation to the city council. If no recommendation is submitted, then by law it's deemed to have been recommended approval. is submitted, then by law it's deemed to have been recommended approval. So, we have until June 16th to come up with that written recommendation. Since we haven't had a chance to talk about this as a planning commission, he thought it would be a good idea to place it on the agenda, simply for the purpose of introducing it to the planning commission, passing out relevant materials, to give them a chance to go through this and review it. Then at our next two meetings, we'll have an opportunity to discuss it in more depth and detail when we can also be in our larger facility next door and people can come in and hear what we're doing. We're just beginning the process as the Planning Commission to go through this, review it, and come up with a recommendation. They were given a copy of the application, submitted by Interstate Rock, a copy of the application. map that shows the territory that we're talking about, a copy of the notice that was sent out to residents, giving them time to file written objections, and a 15-day period to file written objections, and the objections that we received during that. 15-day period. Also, two memos to help explain the relationship, of the statute-governing formation of this CIMPA, (Critical Infrastructure Materials Protection Area), with a recently approved state law, House Bill 355. It grants certain operators vested rights in critical infrastructure materials extraction. There is the existing law that allows us to create a protection area, and then there is the new law which grants to operator's certain rights, irrespective of what we do. There is language in the new law that talks about concrete and asphalt batch plants. The public have read that; they got very alarmed and thought we were approving an asphalt and concrete batch plant. The answer to that is no, we're not. That's something that state law has already approved, if they have a vested right and it's in existing legal use. What we're doing is something totally different. The rights that we're granting are something totally different. He didn't anticipate that we would have a long discussion about it this evening, just simply because he knew that there would be no chance for the public to be here and make comments, and rather than go through that process without people being here, he thought it best just simply to introduce it, then the next two meetings it will be on our agenda. We'll have our meetings in the bigger council chambers and people will be able to come and listen.

Commissioner Richard Howard wanted to know what the difference is now in the gravel pit and now. He wanted to know if it was unregulated.

Fay responded that it's been regulated. The Utah State Department of Environmental Quality regulates dust, noise, those kinds of things. And to some extent, even though this is technically not a mining operation, a lot of people call it a mining operation, this is not a mining operation according to the letter of the law. This is just a sand and gravel extraction operation. Critical infrastructure materials extraction operation.

Commissioner Richard Howard wanted to know what is driving this to go through now.

Fay explained that the city is required to encourage the continuity, development, and viability of the critical infrastructure materials operations within the relevant protection area by not enacting a local law ordinance or regulation that, unless the law ordinance or regulation bears a direct relationship to public health or safety, would unreasonably restrict critical infrastructure materials extraction operations.

Commissioner Juluson asked if it limits the city's zoning, why would they grant it. Does it benefit the city or only benefit Interstate Rock?

Fay responded that is what they will be discussing at the next meeting. Secondly, the city may not adopt, enact, or amend existing land use regulation or ordinance that would prohibit, restrict, regulate, or otherwise limit critical infrastructure materials operations, including vested critical infrastructure materials operations as defined in the new code. Now, the little wrinkle there is they're talking about whether we can't interpret existing ordinances or regulations that would limit or restrict when we're talking about vested rights. In order for the operator to have a vested right, it has to be a critical infrastructure material, and it has to be an existing legal use. If we're talking about a batch plant, for example, that wouldn't qualify.

That wouldn't prevent us from taking action to prevent or govern or do something with a batch plant or cement plant, because it's not an existing legal use at this point.

Commissioner Bice added it's not permitted use in our city.

Fay continued to say the third protection, the city shall ensure that any of the city's laws or ordinances that define or prohibit a public nuisance exclude from the definition of prohibition any critical materials operations on the land that is consistent with sound practices applicable to the materials operations unless that use bears a direct relationship to public health or safety. That means if we have an existing nuisance ordinance, we can't interpret that nuisance ordinance in a way that makes them in violation of the nuisance ordinance unless it relates to public health or safety.

Commissioner Hugh Howard commented he didn't understand why they need the city to do this for them. He asked if they were concerned the city would shut them down.

Fay responded that's what they would talk about in the next meeting with a representative there from Interstate. He doesn't think the city could shut them down. The new law that was passed gives them vested rights in certain activities out there. They already have vested rights. Whether we grant a protection area or not, according to the new law, they already have vested rights in certain activities out there.

Commissioner Hugh Howard asked if everyone is upset because they think they will put a cement factory down there.

Fay explained that's one of the big things that people are concerned about, they're going to expand, it's going to be noisy, it's going to be even more dusty and dirty than it already is, and there won't be anything that we can do about it because we've lost all control. I think that's what people are concerned about.

Commissioner Richard Howard asked if the city grants the protection will the city have lost all control.

Fay responded that what makes us lose control is the passage of the new statute by the state legislature. This new legislature, there's a number of gravel extractions along the Wasatch Front, and people were up in arms, saying you're damaging my property, it's noisy, it's dusty, it's not healthy. And this was the legislature's response to it, was to strengthen that for the benefit of these operators. One of the other protections is that for any new subdivision within a thousand feet, we have to have on the plat a statement warning people that they're going to be buying property next to a critical infrastructure materials protection area. One of the other benefits for these folks is that in order for us to condemn property for a roadway or some of those kinds of things, it doesn't make it impossible, it just makes it more difficult. We have to jump through additional hoops; to condemn property, for example, for a roadway.

Commissioner Juluson asked again why the city would approve it if it's not going to affect the current gravel extraction.

Fay replied that's something we need to hear from the operator, to show us why there's some benefit to the city in providing a protection area. But again, even if we did not approve this protection area, they'd still have those rights that have been passed by the legislature this latest go-round.

Commissioner Juluson commented on what would happen if every city wouldn't passing these, the legislature would come by and make it mandatory.

Fay explained that in two weeks it will be on the agenda. People will be able to come. We should have the operator here to explain it from his perspective. If we can begin then to formulate some sort of a recommendation that we can hopefully have in place by June 16th. Fay offered to meet with anyone that has questions they can call or come in. He offered that to the public as well. The final analysis we're not trying to pull a fast one on people we're here to protect our city basically you want to do it's right for everybody and so there's no motivation

Commissioner Hugh Howard stated that his understanding was they are upset about an asphalt plant coming in.

Fay explained that there is a provision in the new law which allows them to construct an asphalt or cement batch plant. But that's only if they have a vested use. And in order for it to be a vested use, it has to be existing legal use. Right now, there's no existing legal use out there for a batch plant. There's no use as a batch plant out there. So that particular section of the code is not going to allow them just simply to come in and start building a batch plant, regardless of what we do with the protection area. What we're doing here, if we approve this, we're not approving a batch plant. We're not approving an asphalt plant. They probably could come into the city and request a change of zoning or change of

designation of the property to allow that, if that's what they want to do. The city wouldn't have to necessarily grant it. They would then go through that process of having a public hearing, analyzing all the things that we're going to be going through in the next little bit. The batch plant and the asphalt plant is a separate issue under the House Bill 355, as opposed to what we're doing under Title 41-17 for approval of a protection area.

Derek added that the information was put out on La Verkin community Facebook page, and it's false information. Interstate Rock's never had never wanted to go in and do an asphalt plant or a concrete plant. Chase is going to hold a meeting next week to try to deal with some of the people, specifically Trail Ridge Estates. Everybody's still mixed up on those two issues that aren't going to happen. They're not permitted use. They're not even looking at what the real issues we're talking about.

Commissioner Bice added that we're an approved use city, which means in the zone lists all of the uses that are approved in that zone. And if they're not listed there, they're not approved in the zone. And none of those are listed in any zone in our city. They're not approved in our city. We'd have to change the zoning ordinance before that could happen.

Fay explained one thing that has people nervous, again, is the language of this new law that says if they have a vested use, they can continue to use that, and they can use it on additional land that they acquire, and they can expand it, and so they think that's what we're approving. We're not approving any of that. That's under the existing law that was just passed. All we're doing is approve of a protection area, which gives those limited protections. They need to have it on the agenda for May 28<sup>th</sup>. Probably need to be on the June 11<sup>th</sup> meeting also.

Meeting was adjourned at 7:02 p.m.

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Planning Commission Chair

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Date Approved

## PROPOSAL TO CREATE CRITICAL INFRASTRUCTURE MATERIALS PROTECTION AREA

Proposal Sponsor, Interstate Rock Products, Inc., a Utah corporation (hereinafter "Sponsor"), by and through its undersigned attorneys and pursuant to the provisions of the Utah Protection Areas Act, Title 17, Chapter 41, Utah Code Ann. ("Act"), hereby proposes that the LaVerkin City ("City") create a Critical Infrastructure Materials Protection Area ("Protected Area") as set forth below and, in support of the Proposal, Sponsor states as follows:

1. Sand, gravel, and rock aggregate are critical infrastructure materials, as defined at §17-41-101(6) of the Act.

2. Sponsor currently operates and has for a period in excess of twenty (20) years on Parcels No. LV-160-A-N-SA, LV-3-1-13-4200, LV-174-A-5, LV-174-A-4 a gravel pit wherein Sponsor extracts, excavates, processes, and reprocesses sand, gravel, rock aggregate, and landscape rock in commercial quantities ("Property") consisting of 116.13 acres. See Exhibit A hereto. The Property was used as a gravel pit for more than ten (10) years prior to Sponsor purchasing it.

3. Sponsor is a Critical Infrastructure Materials Operator, as defined at §17-41-101(8) of the Act, in that Sponsor is an organization which owns, controls, and manages a critical infrastructure materials operation.

4. LaVerkin City is a municipality, as that term is defined at §17-41-101(17)(b) of the Act, the Proposal is properly before the City pursuant to §17-41-301(1)(a)(ii) of the Act, and the City has authority to create the Protected Area pursuant to §17-41-301(1)(b) of the Act.

5. Sponsor is the sole owner of the Property and thus has the authority to sponsor the Proposal pursuant to §17-41-301(1)(c)(i) of the Act.

6. The boundaries of the Property, which is the land proposed to become part of the Protected Area, are identified in the map attached hereto as Exhibit A.

7. The critical infrastructure materials operations on the Property have been conducted in conformance with the City's zoning requirements and there are no limits on the type of critical infrastructure materials operations located on the Property.

8. There remain critical infrastructure materials on the Property to support the critical infrastructure materials operations of Sponsor for a considerable period into the future, given the trends in technological conditions applicable to the critical infrastructure materials operations on the Property.

9. Located on the Property are an aggregate wash plant, office building, multiple crushers and aggregate processing equipment which Sponsor maintains those production and accounting functions associated with the critical infrastructure materials operations and a scale house used to weigh critical infrastructure materials produced on the Property.

10. Sponsor requests that the City give notice of the Proposal to the Public and that it submits the Proposal to the Washington County Critical Infrastructure Materials Protection Areas Advisory Board for review and recommendations pursuant to §17- 41-303 of the Act.

Respectfully Submitted this 2nd day of August 2022.

*Aaron D Randall*

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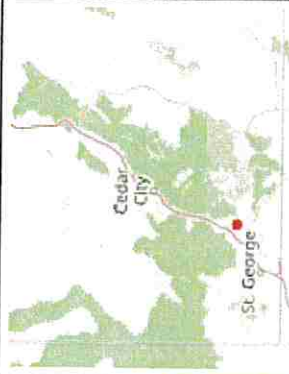
Aaron D. Randall  
Thompson, Randall & Mellen  
Attorneys for Sponsor



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## Notes



Parcels

U.S. Forest Service  
U.S. Forest Service Wilderness  
Bureau of Land Management  
Bureau of Land Management Wildlife  
National Park Service  
Shiwihts Reservation  
Utah Division of Wildlife Resources  
Utah Division of Transportation  
State Park  
State of Utah  
Washington County  
Municipality Owned  
School District  
Privately Owned  
Water  
Water Conservancy District  
State Assessed Oil and Gas  
Mining Claim

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