



LA VERKIN CITY PLANNING COMMISSION

Ammended AGENDA

Work and Regular Meeting

Wednesday, June 11, 2025, 5:00 and 6:00 pm.

Council Chambers, 111 South Main Street

La Verkin, Utah 84745

5:00 p.m. Work Meeting:

1. CIMPA

A. Call to Order: Chair Allen Bice

Invocation by Invitation; Pledge of Allegiance

B. Approval of Agenda:

C. Approval of Minutes: April 9, and April 23, 2025 and May 28, 2025, regular meeting.

D. Reports:

The City Council and Director of Operations will present updates on meetings and activities.

E. Business:

1. Discussion and possible action to recommend to City Council the Interstate Rock Project Critical Infrastructure Materails Protection Area.
2. **Presentation** and Discussion regarding the Mixed-Use and Live-Work zones by **Brad Robbins**.

F. 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://pmn.utah.gov>, posted on the La Verkin City website at www.laverkin.org, and at the city office buildings

111 S. Main and 435 N. Main on June 6, 2025

Nancy Cline, City Recorder

LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, April 9, 2025, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

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

A. Call to Order: Chair Allen Bice called the meeting to order at 6:43 pm.

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

B. Appointments:

Commissioner Richard Howard was sworn in as Planning Commissioner Alternate.

C. Approval of Agenda:

The motion was made by Commissioner Hugh Howard to approve the agenda, second by Commissioner Matt Juluson. Sherman Howard-yes, Hugh Howard-yes, Spendlove-yes, Juluson-yes, Bice-yes. The motion carried unanimously.

D. Approval of Minutes: March 12, 2025, regular meeting

The motion was made by Commissioner Kyson Spendlove to approve March 12, 2025, a regular meeting, second by Commissioner Sherman Howard. Hugh Howard-yes, Bice-yes, Juluson-yes, Sherman Howard-yes, Spendlove-yes. The motion carried unanimously.

E. Reports:

City Council - Councilwoman Wise reported on the City Council's regular meeting held on April 2, 2025.

Director of Operations Derek reported that there have been discussions on the new settling pond on the Interstate Rocks property. They would run that water with reused water and produce much cleaner irrigation water. The water district has negotiated with the city for a loan of \$16.5 million to bring all of the old irrigation waterlines out of everybody's backyards and put in new main lines up on 100 East and down both lengths of 100 West, down 300 South. In exchange, they become our junior in the water rights position and receive the water we send down the river. This is a 30-year loan. When the loan is paid off, there will be another discussion on how they will pay the city for the water they use. He explained the information he gave them in their packets to discuss tonight.

F. Business:

1. Field trip to La Verkin Fields.
2. Discussion and Direction regarding the Condominium and Commercial Planned Unit Development (CCPUD) Ordinance.

Derek explained the plans from the Fields project that they had toured earlier. The plans show all the easements that allow the separate owners to access the utility lines if they need to be repaired. Currently, the properties are all under the owner's name, and he has applied to have them separated into individual tax ID numbers.

Blair Gardner is the developer and owner of The Fields in La Verkin. He reassured the commissioners that they are a commercial project. He knows that this is not currently under any residential application. He started this project knowing that. He understood that if he never got the residential application, though that is his long-term intention, he understood that these are the steps based upon the current commercial zone. He built these units as commercial buildings. And under that co-verification, individual utilities relative to power are no different than

if there were block walls that separate individual units. The CC&Rs, as he has identified, will be redrafted in a way that when people are purchasing these units, they understand and sign the CC&Rs that any service that needs to be done for utilities that may impact their property, they are allowing that. There are common areas, which are common to the entire project, except their own parking space, and a patio on the back sides of the building, so when you walk out the main door, you have something there. There will be landscaping and more asphalt. He would like the commissioners to allow him to have individual tax ID numbers and record them as such. He addressed the concerns he received in a letter via email from Kyle Gubler. He acknowledged that this was not under the current commercial residential application. He wanted that to be clear.

Email concern: No sales tax will be collected from these commercial properties.

Blair replied that the beauty about it is we don't know who's going to be buying these units, that's number one, number two is if in the future there is any residential application, this is commercially zoned, your property tax does not change when a mixed-use overlay goes on top of a commercial zone. There will be people who don't want to live there because they don't want to pay commercial tax. There will be businesses from which you will receive sales tax. Based on the future of mixed-use, this will always have a primary commercial application, in which every owned unit must have a business license. If and when the mixed-use does come into play, there will always be a business license application. First commercial, and second residential.

Email concern: If people can live above their storage unit, it will most assuredly become an illegal vacation rental.

Blair reiterated that he never intended it to be a vacation rental zone. It's not zoned for it. He wanted to clarify that he understood that, and their CCRs specifically state that this is not a vacation rental. They are not to use that as a nightly rental, and he can do an additional affidavit upon closing their unit. He has gone through those checks and balances to rest assured that it is not the intention, and he will police it as much as possible.

Email concern: How can these units be commercial with no parking?

Blair explained during the tour that he didn't want a big parking lot for several reasons. As a developer, he has to look at projects and decide if they're profitable. He doesn't know who will purchase these units; only the people within the zone and the code within that commercial zone can operate their businesses. The beautiful part about this site is that it allows many uses, which you allow. Again, parking shouldn't be a determining factor in deciding whether he receives an individual tax ID.

Email concern: Other residents would want their properties changed to the same if allowed.

He is not looking for residential. He wants condominiumization and individual tax IDs. He thought it could be addressed if and when mixed-use does come into play. He tried to answer any questions and address the commissioners' concerns.

Commissioner Bice stated he was entirely in favor of giving them their Individual tax IDs and having them individually owned. He thought the likelihood of them being kept by the residents and occupants would be much better if they had ownership there. He sees no downside to doing that. It seems like what they should do.

Commissioner Sherman Howard was concerned about the tax ID they wanted but was satisfied with the explanation.

Commissioner Juluson was hesitant because parking is an issue. He didn't find the current zoning requirements for what's permitted there regarding parking. He disagreed that the garages would be parking spaces. The entire unit is counted as available space, so it can't be a parking space. There is no parking if a restaurant, dance studio, or jewelry store goes in.

Blair explained he didn't want a big parking lot. Parking compliance is within the allowable zone. Allowable parking and identified parking within the garage space qualify.

Commissioner Juluson used the example of a dance studio coming in and using the inside space for the dance studio, so it could not be used for parking. That leaves one parking space in front, which is not enough.

Blair reminded them that his application is for the individual tax ID. He has been approved and designed for the commercial zone. He explained that there are many uses for these buildings. When a business applies, it's up to the city to say no if it doesn't meet the zoning regulations for parking needed.

Derek explained he has spoken with Blair several times, and he asked him to take one building away and provide overflow parking to meet other parking requirements. Blair understands that, as the plans are now, they only allow a smaller version of permitted uses. He can only allow those meeting the parking requirements for this use to go in. We can't dictate what goes in there, as long as it's within permitted uses. So, if a dance studio requires X parking spots, and he can't provide that, that's not an allowable use, even though it's permitted in that zone. That's why the mixed-use ordinance taking off the residential aspect makes more sense because it has more permitted uses, which would combine both the commercial and the tourist commercial, which would be what Blair's after.

Commissioner Sherman Howard added that the parking requirements will just limit the kinds of businesses that can be there.

Commissioner Juluson asked if Derek could send them the parking regulations. He doesn't think the garage should count as a parking space; he thought it should be outside parking.

Derek agreed to email him the parking ordinance.

Blair explained that, as a developer, he looks at a project and builds what he wants it to be. He doesn't want a project with a type of business that requires a lot of parking. He knows he has limited what businesses he can sell them to.

Commissioner Juluson pointed out that contractors can park a few trucks there and fill the rest with materials. Then, there will be parking outside or on the street, and they can walk into the work trucks and do their work.

Blair agreed they could work outside or on the street, walk into the work trucks, and do their work. That has checks and balances relative to what's allowed and not allowed. If they cannot have more than two vehicles outside their unit at any given time, they must comply, just like any other zone of what's allowed.

Commissioner Juluson commented that parking on the street would be a problem because the Elementary school is on that street.

Derek replied that they can legally park on the street if they want to, but he's parking inside his project. He has a smaller market by limiting the amount of parking he can provide for that project. But we can't go in there and say you need 100 stalls if you decide to do this. We need to ensure that whatever goes there is abided by the required parking. He can choose what he wants to allow within those permitted uses and fit the parking requirement.

Commissioner Spendlove asked if, without having these individual tax IDs, the building has to be considered a whole project or a full unit, meaning a five-plex.

Derek replied that right now, it's considered one ownership, one tax ID number.

Commissioner Blair Gubler clarified he wants individual units, not a five plex.

Commissioner Spendlove commented after walking the project, he had reservations about wanting a residential side. He had reservations on the same topic of parking. He does this design for a living and was impressed with the units. It does meet the requirements currently or it would not have been approved. He doesn't see a problem with allowing condominiums to have these additional tax IDs so they can be sold.

Commissioner Juluson addressed the fact that he stated he wanted mixed-use for residential living and working. However, there would not be parking for residential use.

Blair replied that it would still work if they adopted your mixed-use zoning. But that is the second step. The first step is with the tax IDs and individual separation of units, fully complying with the current zone.

Commissioner Hugh Howard asked what type of business would go in with these restrictions.

Blair answered that he has an interior designer who does her office upstairs and her inventory downstairs at his other location. He has a gentleman who makes sleeping bags. Everything he does is just a UPS pick-up and drop-ship business.

Commissioner Hugh Howard wondered about the demand in La Verkin that will fill the number of buildings he puts in.

Blair gave examples of professional attorneys wanting their offices upstairs and usable space downstairs. He has a water conservancy district up north that rents the space and stores water supplies. There are so many different applications, so much versatility, and a lot of online distribution. People are doing drop shipping with inventory.

Commissioner Sherman Howard commented that the shell idea is a good plan. He has seen whenever they change hands, everybody guts them out and updates them anyway. His concern was also about parking until the intent was explained.

Blair agreed that it's risky for him to be so limited within the city's zone, given the demand and the market shift we're seeing. He agreed that if he wanted different types of businesses that require public parking, he needs to add parking, but that's a different look, feel, and touch.

Commissioner Bice added that if we had that sleeping bag factory, we probably wouldn't want a dance studio next to it. You're aiming for a different flavor with these, so it won't be a good place for a Mexican restaurant.

Commissioner Juluson added that, given the space, it would be difficult to accommodate many box truck deliveries.

Blair responded that reading the CC&Rs would calm some of their concerns, because this is designed to keep their stuff inside. The stuff that will impact anybody else. Their application use cannot negatively interfere with anyone's efforts. That is what the CC&Rs are. We don't want cars left out and box truck trailers just left to impact someone else. They cannot park in front of someone else's garage. He wishes he were the first guy to think of this business plan, but he isn't. He has taken what others have done and adjusted it to be better.

Derek commented that everybody's trying to find that little niche. Like when River Rock was built, who would have ever assumed that he would have found that niche of people? Kudos to him for getting where he's gotten at this point. He thinks Blair's after a particular niche, which he feels is a niche that people are downsizing but still need some ability to have some storage in the office. When we put this ordinance together, the conversion was for the building behind Farmer's Market. It was back there in one building, but each one was built to possibly separate. When he reached that point, we didn't even have an ordinance. He only has three stalls per unit. There is a glass company there with an office specializing in glass repairs. There are two other people they just started a business. The first unit is a school, but they worked out a deal with Farmer's Market to provide overflow parking that provided the additional parking requirements they needed. Going back to the taxes, not all businesses contribute to the tax. Vitaplex, LV Swiss, and Sun Warrior. Those global companies ship out and

don't produce one bit of tax basis. Now they provide jobs, and people may go and spend money in La Verkin. The city would rather have businesses that offer a significant tax base. However, if a company meets the zoning and use requirements, we must license them.

Commissioner Bice replied that is why they get nervous.

Derek continued to say the current code restricts what we can allow. By not allowing, we set ourselves up for a lawsuit. There has been a lot of talk about what is being allowed with this project, but not a lot of communication. That is why we did the tour tonight and are discussing this to clear up any miscommunication.

Commissioner Bice replied that people should have the right to do what they choose to do with their property, within the guidelines. So, it's okay for not everybody to be in the retail business. We have State Street and whatever happens to Topside. It amazed him what they're doing with these gray shells. He hadn't heard that term before today. At Purgatory, they're just popping up everywhere, filling. However, the issue we were talking about was the Individual Tax ID.

Commissioner Juluson commented that if it meets the code, there is not much we can do. He is still concerned about parking. Having an individual tax ID is a better way to go. If they meet the requirements for our parking code, then he is okay with it.

Blair added that he has already paid for all of the buildings, the future buildings, and those permits are paid. He explained to them that what they see on the plat is what he is doing. He is not trying to get anything passed that is not allowed. He is obeying all the architectural design rules. Tonight, he is only asking them to approve the condominium allowance for him to get Individual Tax ID numbers.

Brad Robins from Sunrise Engineering spoke about converting existing buildings into individual ones for sale. There's nothing unusual about condo conversions. After being out there, he thought it lends itself to some residential, just because of the size of these things. Can you provide some office space there? Yeah. But the mixed use we put together allowed one employee: one parking space. There's a lot of space in these, so their use will be very important for the parking requirements. The problem you face right now is that this is under construction. From my perspective, whether it's single ownership or multiple owners, it doesn't make much difference. You've got to deal with the issue that you have before you. The fact is that he wants to make them condos as long as you have CC&Rs in place. And you have certain restrictions here in the city. It probably hasn't made a big difference whether it's condos or something else. But bigger picture, if you're going to think about residential, you need to do some overlay that will strip that.

Commissioner Spendlove asked for future discussion. When we discuss mixed-use, more specifically, this type of layout, would it be possible to get some ideas of what will be required for parking? This way, we can see, as we do, this specific project and future ones. There's no question that parking is always an issue, and it depends on what those uses require.

Brad replied that his recommendation to them would be to restrict those uses to those that don't require it or prohibit them, and you can do that in an overlay.

Commissioner Hugh Howard asked if he goes to mixed-use, if we approve for mixed-use, if there is enough parking.

Commissioner Bice replied not only to the parking but also to the trash pick-up.

Derek added that he has put an overlay in their packet for them. He has been putting together a working document based on their conversations. They've talked about residential and mixed-use for four years. He believed they must create a mixed-use zone for citizens who can't afford mortgages and business lease payments. It would give more people an opportunity to own their own business. And we need to have more

discussions. The only reason he gave them everything tonight is so they can start picking it apart. He will make the changes they discussed tonight. This does not require a public hearing as long as the engineers, city attorney, and the chair approve and go through this committee and the city council, and it's recorded like anything else. This is an allowed use, which meets the criteria; you can't stop it. He advised them that they want to prepare now so when the Topside breaks ground, they have a plan and won't get pressured to allow things they don't want. We don't have to give up what La Verkin is and our picture of La Verkin. There is zoning that we have never seen before that we need to consider while still allowing land owners to do what they want with the property, which will benefit them as well. He also thought that with the Hot Springs opening up, the land will start developing fast, and we need to be ready for it.

Commissioner Bice thanked Blair. This hasn't been easy for you, but it's useful for us.

G. Adjourn:

The motion was made by Commissioner Hugh Howard to adjourn, second by Commissioner Sherman Howard. Hugh Howard-yes, Bice-yes, Spendlove-yes, Juluson-yes, Sherman Howard-yes. The motion was carried unanimously at 7:45 pm.

Planning Commission Chair

Date Approved

LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, April 23, 2025, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

Present: Chair Allen Bice; Commissioners: Hugh Howard, Matt Juluson, Sherman Howard, Richard Howard; Staff: Derek Imlay, Fay Reber, and Nancy Cline; Public: Jacob Ruesch, Ben Ruesch, Dalyon Ruesch, and Kevin Smedley.

A. Call to Order: Chair Allen Bice called the meeting to order at 6:00 pm.

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

B. Approval of Agenda:

The motion was made by Commissioner Hugh Howard to approve the agenda, second by Commissioner Matt Juluson. Sherman Howard-yes, Hugh Howard-yes, Richard Howard-yes, Juluson-yes, Bice-yes. The motion carried unanimously.

C. Presentation:

1. Kevin Smedley

Kevin Smedley from Five County will be doing a General Plan for the city of La Verkin. He wants to put together a survey for the community. They will need a committee to put that together. The last update to the General Plan was in 2018-2019. He will be going over policies and outdated information, setting goals for the future, and putting a plan together for the Topside, which currently has one paragraph in the General plan.

D. Reports:

Director of Operations Derek reported that in a previous meeting they discussed the parking ordinance that needs to be updated. He got an example from Michigan they can look at and pull ideas they like for their own parking code. They discussed a holding pond in Cottonwood Hollow to help settle the river water for irrigation. It will give the city cleaning irrigation water and possibly allow 12 months of irrigation. It might be done in the summer next year. The city will be replacing the irrigation lines from citizens backyards to street access. The Water District will loan the city the money to replace the pipeline and be paid back with water from the city. We send about 750-acre feet of water down the river that we do not use.

He attended a meeting for Mayors and City management water administration. This is the worst year for the drought conditions. They have been working on a water shortage contingency plan. It has four stages; stage one they cut your water consumption by 10 %, stage 2 by 20% stage three by 30%, and stage four you're absolutely shutting down that development. Fire Departments won't be flushing their lines. Stage four would kill our economics here. By cutting out all the construction jobs, we have 70% of citizens working in construction. They approved of us being Stage Two, a 20% reduction in output. Golf courses, car washes, commercial, industrial are going to be the ones that are going to take an immediate hit right up front. Residential, they put more towards the back. They said that the grass accounts for 70% of the water usage here. They discussed the grass in parking lot or commercial buildings. All that grass out in front that does nothing for anybody but looks good. You know, they need to start systematically determining how they can get these guys to come on board with their buyback program where if you take the grass out, they give you \$2 or \$3 a square foot. La Verkin is in a good position with our spring water rights and Virgin River rights.

E. Business:

1. Discussion and possible action to recommend approval of the Condominium Conversion for the Fields Development.

Derek explained The Fields would like to go from one owner to separate tax ID numbers for every unit. They have been working with the staff on CC&R's. They include no residential aspect, current zoning and the permitted use. We don't usually get involved with CC&R's, but we wanted to be part of the approval system, so no businesses go in that are not on the permitted use list. Then we will get our parking ordinance updated so we won't run into problems. They have followed all the provisions the city requires.

Commissioner Hugh Howard agreed there is nothing they can do to stop it, and they are very nice facilities. However, he thought they should be in an industrial park. He disagreed that they won't eventually become residential, but for now they are commercial. He wanted to know how they would even police the units to make sure they are being run commercially and not residential. He was concerned that if they granted individual tax ID numbers then instead of dealing with one owner they are dealing with thirty five. He pointed out they wanted La Verkin to develop into a walkable city and have nice businesses. Now with this and the storage across the street it is going to turn into an industrial park.

Derek asked how they can stop them when he has upheld their zoning and code requirements. He suggested they needed to change the ordinance, zoning, and permitted use so they can make a industrial park because as it is commercial and industrial are the same.

Commissioner Juluson added that he talked to the staff, and the owner knows that he is limited to what type of business can go in. He thinks individual tax IDs are better.

Commissioner Bice commented it would be better served by having individual owners there. They'll have more interest in having their neighbors be what is permitted. Renters don't seem to be invested as much.

Commissioner Richard Howard asked if it would have an HOA. He understands they have met all the requirements, but he was hoping for a walkable downtown and is concerned it will be an industrial park. His concern is who will police it without an HOA. He has the same concerns about having thirty-five owners instead of one. He can see the benefit but also the possibility of trouble with owners doing things they shouldn't.

Derek explained he has the best interest of La Verkin at heart. He really does want what is best, but he has to do what the ordinances allow. If the individual is obeying the permitted uses, how do they refuse them? It's their property and they are not breaking any code. He encouraged them to change the ordinances, so they don't have to let industrial businesses on the main street. He pointed out that they would have to have a business license, and they can go inspect those businesses before they give their business license every year.

Commissioner Richard Howard commented how St. George downtown has changed in a remarkable way. Its walkable and looks inviting with the living space above the businesses. He doesn't want to drive down La Verkin and think it's an industrial park.

Derek commented that he thought they had done a great job with the architectural standards of his buildings. He wants to meet with other city planners to discuss how La Verkin can do the mixed use and have the tax base of retail business with the residential mixed in. He pointed out the cities around them have been able to start doing the mixed use. He agrees that the primary purpose needs to be commercial and retail tax base.

Commissioner Bice pointed out with their limited property for commercial that they cannot have an industrial zone. Unless the Topside has zoning for it. He does believe people have the right to do what they want with their property as long as it follows the zone and codes for the city.

Commissioner Sherman Howard commented that he likes the discussion that has occurred, and change is hard, but he thought tonight's questions and perspectives have helped.

Commissioner Richard Howard quoted a builder that said, "make it look good" He thought the property was very nice looking and hopes the future owners of the buildings will keep it up.

The motion was made by Commissioner Matt Juluson to approve the Condominium Conversion for the Fields Development, second by Commissioner Bice. Sherman Howard-yes, Hugh Howard-no, Richard Howard-no, Juluson-yes, Bice-yes. The motion passed.

2. Discussion and possible action to recommend approval for the Ruesch Precise plan. A development on SR-9, 254 South State Street.

Derek pointed out this is the first time they have done the architectural standards application. He sent them the check list and monitored his plans. He thinks it will be nice looking building.

Jacob Ruesch explained their plans for their property. They will be updating the existing building into a hotel with 13 rooms. They will also build a new building which will be two stories with an additional 14 rooms. They believe with the Hot Springs coming in that they will benefit from it. They are looking for approval of their architectural standards for both buildings. They plan on the same color pallet as the Dwellings. They will have a parking lot for both hotels to use and plan on a retail store in the new building. He showed them the floor plan for the converted building. They will be taking it down to the studs.

Commissioner Richard Howard was concerned it would look like the Zions Inn which is not appealing at all.

Jacob assured them the new and old buildings would be of the same design and look appealing.

Commissioner Richard Howard asked about a stop light being put at that intersection.

Derek answered that there have been two different traffic studies done and they still don't qualify for a light. Even though the thorough traffic is 250,000 to 350,000 people a year, even though most of those people are going to be ones that are already passing through to Zion. That's still quite a bit of traffic on that one little corner that was already horrible before any of this development. But it would take the city almost a million dollars a light, so for the four lights, it costs us \$4 million to put it in if we wanted to do it ourselves.

Commissioner Bice likes the design.

Commissioner Sherman Howard asked about the parking lot.

Derek explained that the state is only allowing them one entrance onto SR-9. He asked Ben to explain the parking lot.

Ben Ruesch explained they used storm bricks that are wrapped in felt then you bury them under the parking lot. The water drains into it and evaporates. You don't have to have a big drainage spot on the land.

The motion was made by Commissioner Hugh Howard to approve the Ruesch Precise plan. A development on SR-9, 254 South State Street , second by Commissioner Sherman Howard-yes, Hugh Howard-yes, Richard Howard-yes, Juluson-yes, Bice-yes. The motion carried unanimously.

Adjourn:

The motion was made by Commissioner Hugh Howard to adjourn, second by Commissioner Sherman Howard. Hugh Howard-yes, Bice-yes, Spendlove-yes, Juluson-yes, Sherman Howard-yes. The motion was carried unanimously at 7:10 pm.

Date Approved

Planning Commission Chair

DRAFT

LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

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

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

Present: **Chair** Allen Bice; Commissioners: Hugh Howard, Matt Juluson, Kyson Spendlove, John Valenti, Sherman Howard, Richard Howard; Staff: Derek Imlay, Fay Reber, and Nancy Cline; Public: Mr. Tim Anderson (Attorney), and Chase Stratton (IRP).

A. Call to Order: Chair Allen Bice called the meeting to order at 6:00 pm. The invocation and Pledge of Allegiance were given by Richard Howard.

B. Approval of Agenda:

The motion was made by Commissioner Matt Juluson to approve the agenda, second by Commissioner Kyson Spendlove. Sherman Howard-yes, Hugh Howard-yes, Juluson-yes, Bice-yes, Kyson Spendlove-yes. The motion carried unanimously.

C. Approval of Minutes: May 14, 2025, regular meeting.

The motion was made by Commissioner Sherman Howard to approve May 14, 2025, regular meeting, second by Commissioner Matt Juluson. Hugh Howard-yes, Bice-yes, Sherman Howard-yes, Spendlove-yes Juluson-yes. The motion carried unanimously.

D. Reports:

No Reports.

E. Business:

1. Discussion and possible action to recommend to City Council the Interstate Rock Product Critical Infrastructure Materials Protection Area.

Commissioner Bice informed the public that tonight no action would be taken to recommend it to the city council. Chase Stratton would discuss what IRP is asking the city for with the Critical Infrastructure Materials Protection Area (CIMPA) and Mr. Anderson would get time to speak on their behalf.

Fay Reber explained that this is a public meeting but not a public hearing. Chase Stratton would do his presentation, then Mr. Anderson would give his clients' concerns to the commissioners. The commissioners could ask questions throughout the presentation. There will be no comments from the public in this meeting. The next meeting next week is with the city council, and they will have a similar meeting where Chase and Mr. Anderson will give their presentations. This would be the city council's first-time hearing of the CIMPA. No comments will be allowed at that meeting either. On June 11th there will be another public meeting for the planning commission, and they will discuss and make a recommendation to the city council that night. When the city council gets that recommendation, they will send out notice of a public hearing on the matter and that is when the public can make their comments. The Public Hearing should be July 2nd. After the public hearing the city council will discuss the topic and they could make an decision to approve it, approve it with changes, deny it or decide to continue the discussion at the next meeting.

Chase Stratton gave a history of Interstate Rock Pit. It began in the 1970's for sand and gravel extraction. In the 1980's they expanded to where the cottonwood hollow land is now, in the 1990's they moved to the land that they are currently extracting from. They have been mining that same area from over 30 years. The whole time we've been mining the pit; it has been for sand and gravel purposes. We haven't been mining any other kind of

minerals out there, raw gravel, for general construction purposes. In those 30 years they never had a cement batch plant or asphalt plant there. IRP had a meeting with the citizens a week ago. They showed them their maps and the future of IRP. They plan on mining for 15 years in the same spot, then moving to a different location on their land for the next 15 years. In 30 years, both those locations will be mined out. He discussed the elevations that would be the end result of the mining after 30 years. They are not digging a pond; the elevation will be about 10 feet lower than the road going to the bridge. The reason they are asking for protection is simply to ensure they can continue to mine that area. They don't want any additional uses like a batch plant or asphalt plant they only want to extract sand and gravel. The reason they want protection is that it offers that zoning can't be changed without their sign-off. That's probably one of the most relevant ones to them, because they had that happen to their Hurricane City pit. Hurricane City had just one industrial zoning about 15 years ago, and then they decided they needed two industrial zonings, a light industrial and a heavy industrial. Their pit was already doing mining that was only permitted in heavy industries, yet they zoned them light industrial. Then about four or five years ago they had to go through this whole re-zoning, trying to get it re-zoned to what it should be so that they are not a non-conforming grandfathered use but they are a permitted use with the correct zoning. When they did that, they had a lot of outcries from citizens and property owners around them even though they had all moved in after they had been mining there for so long that they had to give a lot of concessions in that re-zone process just to make sure that their pit stayed going forward in the future. If they had had this protectionary, which it came out like a year after they went through that whole process, if the state code came out, and then if they had had that though, because of a city's arbitrarily zoning them into something they shouldn't have been zoned into, they could have actually kept all of their rights that should have been kept. There are other protections like being a little harder for eminent domain.

Fay Reber wanted to clarify that chase used the term "mining" but it's actually an extraction pit.

Chase explained that the state of Utah has made a distinction between mining and this material extraction. The last six years they kind of made this distinction. For so long, their mining operations have been covered by MSHA. MSHA is the Department that oversees and regulates that extraction that they are doing of sand and gravel. They have mining in the name of that agency. And for the longest time, it was considered mining. He kept referring to it as mining, but it is just a critical infrastructure material extraction for sand and gravel.

Fay clarified that he mentioned they have no intention of establishing a concrete batch plant or an asphalt plant. But how do we know that they won't transfer this property to somebody else, and then that entity that comes in would try to establish a concrete batch and an asphalt plant.

Chase responded that one day, his ownership group in the future might want to sell it and it goes to someone else and that other person might want to do it, or even 30 years down the road, his owners want to put an asphalt plant there. The only thing he could say is they don't plan on doing it right now, and this protection policy actually doesn't give them the right to do it. The same way they would have to go about it today. They would have to first come to La Verkin City to ask them to create a new zoning designation that could have those uses permitted in them, and once the city created that zoning, then they have to ask for a zone change, and if the city granted that zone change, then after that, they would have to get a permit from the Division of Air Quality saying that they could actually put an asphalt plant in. From what they know and what the state code says, is that process is the same today as it would be after they got a protection area. A protection area does not grant them any rights inherently to have a batch plant, or an asphalt plant. For some reason the citizens think they want this protection area to have those uses, as far as state code reads, to our understanding, our legal counsel, that doesn't grant them those rights. The zoning right now is a residential agriculture one. It's a zone that already has just been there on the property, and they are grandfathered in.

Fay asked what he knew about the new legislation with House Bill 355.

Chase responded the new language says that if somebody has been historically using that property as a critical infrastructure material of use, then any of the uses that might be auxiliary to that use, as in processing concrete batch plant or asphalt batch plant, if those uses are existing, and have been existing on the operation, then they would get that, what they call a vested critical infrastructure material of use. And with that vesting, it gives some protection. But since they don't have a ready-mix batch plant, since they don't have an asphalt batch plant, that House bill, in effect, it doesn't give them the right to do new operations, it just protects current operations.

Fay commented that this is where the confusion with the public has come in. It says that they can continue with those uses if they are vested. And in order for it to be a vested use, it has to be an existing use. A batch plant or concrete plant are not existing or legal in that zone. They don't meet the definition of vested use. So that language in the new code that would allow them to continue to operate and expand are not applicable to a concrete or asphalt plant in La Verkin.

Commissioner Juluson wanted to know since the current zone is residential agriculture and IRP is grandfathered in with a non-conforming use could the HB 355 apply to them and allow them the batch plants.

Fay explained that what they are currently doing is a legal non-conforming use. The batch plants are an illegal use now and they do not currently operate one. So, under the new state law they are not vested uses.

Commissioner Bice added that the city of La Verkin is an approved use city and if its not an approved use then it is not legal. It cannot happen without the city council changing the code.

Tim Anderson introduced himself and also Amanda Todd who is a real estate lawyer at his firm. They represent the Bakes. They would like the city to reject the proposal of the CIMPA. He pointed out the State law has evolved to giving more protection to the owners of critical infrastructure and taking away from the property owners that live next to those areas. His opinion was that Interstate bought the property 50 years ago not to only mine for sand and gravel but to build houses there. That their 30-year plan is to be a real estate business and build houses on this property. IRP have agreed to have La Verkin Main Street run through their property and an Elementary school to be there. He also brought up that as of 2019 they had to record on the plates with the county the notice of the pit with any property within 1000 feet of the pit. They have not disclosed the pit. It is his opinion that they are not a pit but a real estate site. That would make them unable to receive a protection or be deemed a critical infrastructure area because in 30 years they will be building houses. He also pointed out that they could reject the protection because of public safety concerns. La Verkin master street plan has several roads planned to go through the pit where there are asking for the protection to be. He suggested the solution to the public safety hazards of the roads was to put the Main Street Road on IRP property. It would help with the congestion and give a secondary access to the neighborhoods which is required when the Bakers sell their 151st piece of land. If they don't put the Main Street Road then if the elementary school is built then the Toquerville kids will have to walk on highway 17. It's already in the cities master plan and that the road should be built. This is another reason to turn down the protection agreement because of this public safety hazard. He suggested not granting the permit and giving up the power to plan the community that IRP will be building. Mr. Stratton said he didn't want that batch plant "right now" and he couldn't speak for the owners of the company in the future. Mr. Anderson suggested a development agreement to allow IRP to only be able to have the sand and gravel extraction and no other development ever.

Derek Imlay commented that he understood 80% of their argument was putting in Main Street so the developers they represent, the Bakers, could continue to build with that second road access.

Mr. Anderson replied there are two reasons one is the road and two is that they are really a real estate company because of the agreement in May.

Derek was concerned that concerns are for the developer to get their second access for Toquerville and not the concern for La Verkin city.

Mr. Anderson replied that the road would be for La Verkin also.

Derek continued to say he was concerned they are using this as a way to get the Main Street road put in because the developer is limited. They have had many conversations with them. He was concerned with La Verkin city needs because he works for La Verkin city and not Toquerville city concerns. They are using the pit as an excuse to get the road put in. His opinion was their main concern was getting the developer the second access to continue their development now and not wait for the road to be put in when IRP is done extracting.

Amanda Todd commented that they are benefiting the developer of Trail Ridge estates but also La Verkin city. Having the Main Street Road go in would protect La Verkin elementary students if the school ever goes in. Mr. Stratton said they wanted protection to stop La Verkin from getting eminent domain to put the road in. They now would have to walk on the highway.

Mr. Anderson added it would be beneficial for emergency services to have access to the new Main Street.

Fay commented that if they granted the CIMPA that does not mean they can't condemn property for roads. It would require more work from the city to prove its needed.

Commissioner Spendlove commented that the argument about the kids getting to school safely, if a school gets built, the city council just approved the first portion of what's going to be considered the Zion Corridor Trail, which will be connected right there next to the school. It will run down, it will have a separate location for students, just like on 600 North and Hurricane, though a separate location for people to travel next to that highway safely and get to the other side of that bridge. I think there are alternate paths, there are being in place, but it can be a concern.

Mr. Anderson added that if protection was granted to condemn the property for a road it would take a normal citizen to complain multiple times about noise, smell or other problems for anything to get done. They would have to hire a team of lawyers to meet the statutes requirement of proof. The power would be taken away from the community.

Commissioner Hugh Howard commented that if all IRP wants is an assurance the city won't change zoning would that be hard to do. Draft a document with that safety for them.

Fay commented he believed IRP had already agreed to the road. If they drafted a document saying they wouldn't extend their plant and agreed no batch plants would go in even if they sell the property maybe then we can negotiate a development agreement that we follow those points that will then apply to anybody that they might sell the property to.

Commissioner Bice added that he believed it would be a subdivision one day. After they extract the sand and gravel it would be foolish to leave it alone. This agreement is only about the sand and gravel pit and this offers protection for what they have always been doing. His opinion with the 77 citizens that showed up, was that they needed protection to keep the pit operating as they have for years. It didn't seem right to him that a crowd can take away their right to use their property the way they have been. This isn't a sword for them to abuse anyone with. It's a shield to protect them to continue to do what they're doing.

Fay added that even if they didn't approve of the CIMPA they can continue doing business they are doing now.

Commissioner Sherman Howard added he has been doing construction and been around it for quite a while now. It's pretty common for somebody to use their property to be able to benefit from the excess that they have to make it a subdivision.

Commissioner Bice added that the county dump is scheduled to do as soon as its full.

Commissioner Spendlove commented that he lives down in that area. It's never caused problems for him. He understood concerns for public health and safety. But again, Mr. Stratton was clear on stating the requirements that the initiative has to go through when it comes to regulated by MSHAW, the environmental quality, Utah State environmental quality that's also overseeing this location. So there's a lot of hoops that are jumped through for MSHAW. It will continue to be updated, if not even stronger in the future. The citizens are already being protected.

Commissioner Bice added that it becomes null and void if there is a public safety concern.

Fay Reber read the policy on public safety that said they are protected unless there's a direct correlation with the public health safety that's one exception though it talks about public health safety and welfare the same thing is true, Public nuisance kinds of issues, the city wouldn't be able to interpret its ordinances in a way or draft new ordinances in a way that would bring within that umbrella of the nuisance language what they're doing out there unless there's a threat to the public health. So those two areas talk about public health under the CIMPA Act. He outlined the schedule of the next few meetings with the Public Hearing tentatively on July 2nd.

F. Adjourn:

The motion was made by Commissioner Hugh Howard to adjourn, second by Commissioner Sherman Howard. Hugh Howard-yes, Bice-yes, Spendlove-yes, Juluson-yes, Sherman Howard-yes. The motion was carried unanimously at 7:00 pm.

Planning Commission Chair

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 4th day of April 2025.

Aaron D. Randall

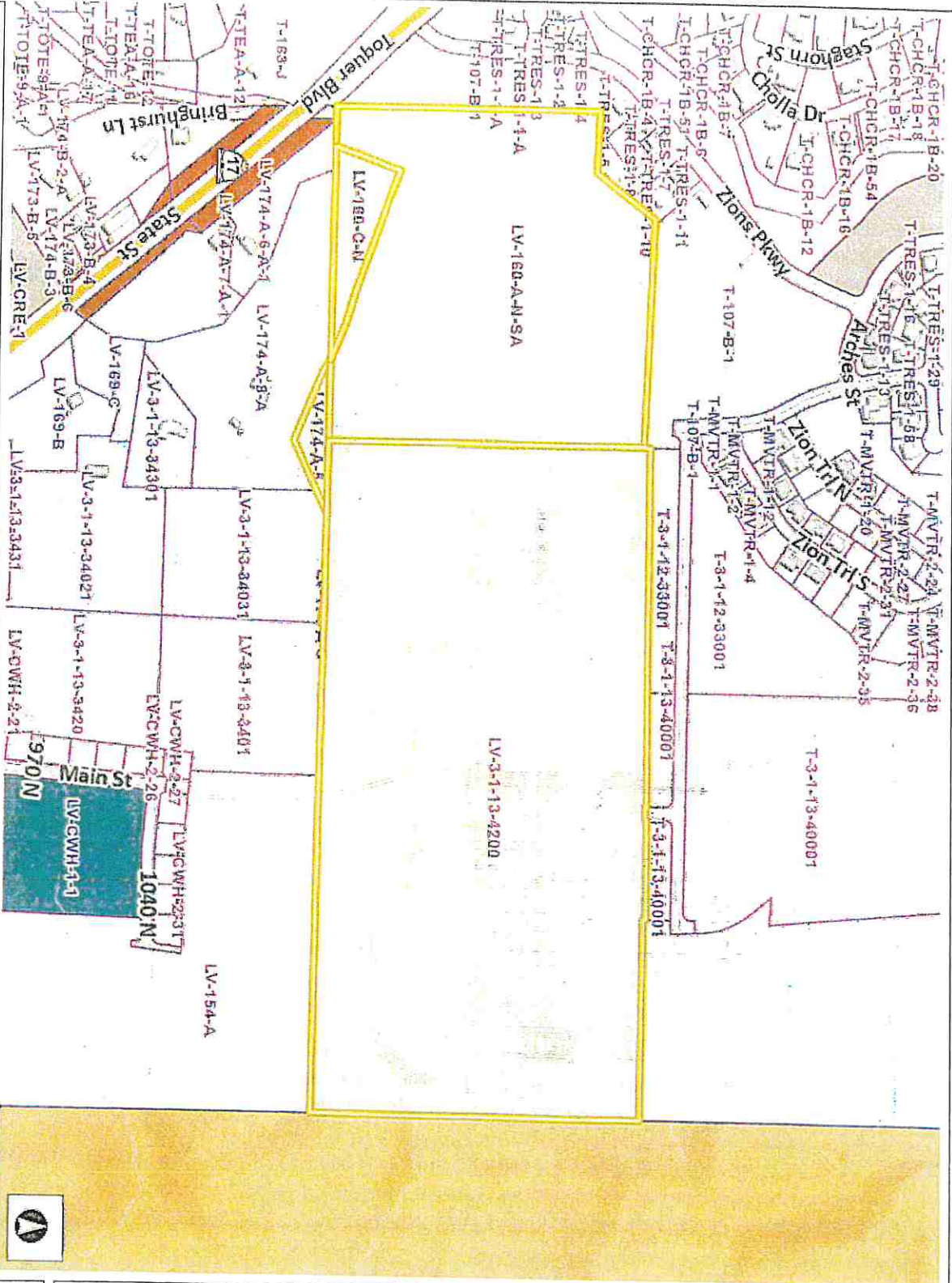
Aaron D. Randall

Thompson, Randall & Mellen

Attorneys for Sponsor



EXHIBIT "A"



WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.



Legend

- ☐ Parcels
- Ownership**
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wild
 - National Park Service
 - Shivwits Reservation
 - Utah Division of Wildlife Resource
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipally Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim

Notes



INTERSTATE **ROCK PRODUCTS**

LaVerkin Critical Infrastructure
Materials Protection Area

05/20/2025

Outline

- Review the History of our operation.
- Discuss current operation and plans.
- Review why we are seeking a protection designation.
- Discuss access points and emergency access.
- Address questions and concerns.

History of our operation

1970s – First materials extracted from the area.

1980s – Interstate Rock first started extracting material.

1990s – Interstate Rock moved pit to the current location.

Current operation and plans

Extract and process sand and gravel for general construction materials.

Pit life – Review map

Does not have a concrete or asphalt batch plant. No plans to put one in La Verkin.

Concerns with current operations

Air Quality – Regulated by State DEQ and Federal EPA.
MSHA testing for Silica.

Loose / Falling Material – Inspect slopes and mitigate continuously.

Traffic – We monitor our drivers.

Noise / Working Hours – We meet city code.

BLM Lease – We have a current lease with BLM.

Why we are seeking a protection designation

To continue our operations under the same regulations and restrictions that are currently in place with the most protection possible.

Review the protections provided in this designation.

Access points and Emergency Access

Accesses called out in Development Agreement signed by the Trail Ridge developer and Interstate Rock Products.

Emergency Access

Permission given to emergency vehicle for temporary emergency access.

Additional Questions and Concerns

Property Values



15 Years

15 - 30 Years

Verkin Creek, La

Verkin Creek, La

Verkin Creek, La

Memo

To: LaVerkin Planning Commission, LaVerkin City Council, Kyle Gubler and Derek Imlay

From: Fay Reber

Date: May 14, 2025

Issue: Does Approval of a Critical Infrastructure Materials Protection Area Include Approval of a Concrete and Asphalt Batch Plant?

Despite assurances to the contrary, many persons who have filed a written objection to the City's approval of Interstate Rock's application for creation of a Critical Infrastructure Materials Protection Area (CIMPA) have expressed a fear that approval of the CIMPA would include the right to establish a concrete and asphalt batch plant. As stated by one concerned resident, "I have been doing research on why Interstate would want this approval and I believe that it's because they are wanting to do an asphalt plant, as I am sure the City of LaVerkin knows this as well. I do not want this to be approved for them! In Utah, a Critical Infrastructure Materials Protection Area does allow for the establishment of an asphalt plant. Specifically, Utah law grants the right to "recycle and to batch and mix concrete and asphalt within such areas."

The purpose of this memo, therefore, is to explain why the above statement is not correct and why approval of a CIMPA does not grant Interstate Rock the right to establish a concrete and asphalt batch plant.

To begin, in an earlier memo dated May 7, 2025, I attempted to explain how the provisions of the Utah Code §17-41-101 et. seq. dealing with approval of a CIMPA relate to new amendments to Utah Code §10-9a-901 et. seq. defining and describing a vested critical infrastructure materials use. In simple terms, these are 2 different parts of the Utah code. One outlines the procedure for creating a CIMPA and the protections afforded to such areas. The other defines and describes vested rights granted by state law to a critical infrastructure materials operator whether or not included in a CIMPA.

Confusion is created, however, by §10-9a-903(1)(d) which contains a reference to concrete and asphalt batch plants, stating in pertinent part as follows:

"Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a critical infrastructure materials use adopted after the establishment of the critical infrastructure materials use, the rights of a critical infrastructure materials operator with a vested critical infrastructure materials use include with respect to

that existing legal use the right to: on any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025 (i) increase production or volume, and (ii) alter the method of extracting or processing, including with respect to the vested use, the right to stockpile or hold in reserve critical infrastructure materials, to recycle, and to batch and mix concrete and asphalt."

So... by the terms of the statute quoted above, in order for the language regarding batching and mixing of concrete and asphalt to apply, 2 conditions must be met:

1. The use must be a "vested critical infrastructure materials use" which, according to §10-9a-901(8), means "a critical infrastructure materials use by a critical infrastructure materials operator that is an existing legal use."
2. The use must be an "existing legal use" which is defined by §10-9a-901(6) as "a critical infrastructure materials use that has operated in accordance with a legal non-conforming use that has not been abandoned for more than 24 consecutive months or a permit issued by the applicable political subdivision."

In the case of Interstate Rock's operations, they do not now operate, nor have they ever operated, a concrete batch plant or asphalt plant on the property sought to be included in the CIMPA, which means that such a use is not an existing legal use and is not a vested critical infrastructure materials use within the meaning of the Utah Code.

Having established that a concrete or asphalt batch plant on the Interstate Rock property is not an existing legal use and therefore not a vested critical infrastructure materials use, the remaining question is, how is this affected by approval of a CIMPA? The answer is that approval of a CIMPA confers no additional right on Interstate Rock to establish a concrete or asphalt batch plant. There is no mention anywhere about non-existent concrete or asphalt batch plants, and, according to the Utah Code §§17-41-402 through 405, the only protections afforded a CIMPA are as follows:

1. The City is required to "encourage the continuity, development, and viability of 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."
2. The City may not adopt, enact, or amend an existing land use regulation, ordinance or regulation that would prohibit, restrict, regulate, or otherwise limit

critical infrastructure materials operations, including vested critical infrastructure materials operations as defined in Utah Code §10-9a-903. (see below)

3. The City shall ensure that "any of the City's laws or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition any critical infrastructure materials operations on the land within the critical infrastructure materials protection area that is consistent with sound practices applicable to the critical infrastructure materials operations, unless that use bears a direct relationship to public health or safety."
4. For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a critical infrastructure materials protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Critical Infrastructure Materials Protection Area

This property is located in the vicinity of an established critical infrastructure materials protection area in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations."

5. Imposition of additional hurdles to jump before exercising the right of eminent domain with respect to property within a protection area.
6. No change in zoning of the area within a CIMPA without written consent of all critical infrastructure materials operators operating with the protection area.

What it all boils down to is this: If Interstate Rock was currently operating a concrete and asphalt batch plant, it could continue such operations as a vested critical infrastructure materials use under §10-9a-903(1)(d) regardless of whether the City approves or disapproves the creation of the CIMPA. If the City approves the CIMPA, the only protections granted to Interstate Rock will be those listed in paragraphs 1-6 above, which does not include establishment of a concrete and asphalt batch plant.

Important Points

- **17-41-305. Criteria to be applied in evaluating a proposal for the creation of a protection area.**

In evaluating a proposal and in determining whether or not to create or recommend the creation of a critical infrastructure materials protection area, the advisory committee, planning commission, and applicable legislative body shall apply the following criteria:

- (1) whether or not the land is currently being used for critical infrastructure materials operations;
- (2) whether or not the land is zoned for critical infrastructure materials operations;
- (3) whether or not the land is viable for critical infrastructure materials operations;
- (4) the extent and nature of existing or proposed improvements to or expansion of critical infrastructure materials operations; and
- (5) anticipated trends in technological conditions applicable to the critical infrastructure materials operations of the land in question

- **Protections accompanying CIMPA approval**

1. The City is required to encourage the continuity, development, and viability of critical infrastructure materials operations by not enacting a local law, ordinance, or regulation that would unreasonably restrict critical infrastructure materials extraction operations unless the law, ordinance, or regulation bears a direct relationship to public health or safety
2. The City may not adopt, enact, or amend an existing land use regulation, ordinance or regulation that would prohibit, restrict, regulate, or otherwise limit critical infrastructure materials operations, including vested critical infrastructure materials operations as defined in Utah Code 510-9a-903.
3. The City shall ensure that any of the City's laws or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition any critical infrastructure materials operations on the land within the critical infrastructure materials protection area that is consistent with sound practices applicable to the critical infrastructure materials operations, unless that use bears a direct relationship to public health or safety.
4. For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a critical infrastructure materials protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Critical Infrastructure Materials Protection Area

This property is located in the vicinity of an established critical infrastructure materials protection area in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations."

5. Imposition of additional procedures before exercising the right of eminent domain with respect to property within a protection area.

6. No change in zoning of the area within a CIMPA without written consent of all critical infrastructure materials operators operating with the protection area

- **Rights granted by HB 355 (Utah Code 10-9a-903 and 904) to a critical infrastructure materials operator with a vested critical infrastructure materials use, irrespective of whether a CIMPA is approved or denied.**

Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a critical infrastructure materials use adopted after the establishment of the critical infrastructure materials use, including with respect to that existing legal use, the right to:

1. progress, extend, enlarge, grow, or expand the vested critical infrastructure materials use to any contiguous land that the critical infrastructure materials operator owns or controls before May 7, 2025
2. expand, after notice and hearing, the vested critical infrastructure materials use to new land that is contiguous land to the surface or subsurface land on which the critical infrastructure materials operator has a vested critical infrastructure materials use, including the surface or subsurface land, unless the City finds by the preponderance of the evidence on the record that the expansion to new land will endanger the public health, safety and welfare
3. Use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings on any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025.
4. On any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025:
 - a. increase production or volume
 - b. alter the method of extracting or processing, including with respect to the vested use, the right to stockpile or hold in reserve critical infrastructure materials, to recycle, and to batch and mix concrete and asphalt, and
 - c. extract or process a different or additional critical infrastructure material
5. For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a vested critical infrastructure materials operations, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Vested Critical Infrastructure Materials Operations

This property is located in the vicinity of an established vested critical infrastructure materials operations in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal critical infrastructure materials operations."

Critical Infrastructure Materials Protection Areas

(UCA 17-41-101 et. seq.)

Vested Critical Infrastructure Materials Use

(HB 355 / UCA 10-9a-901 et. seq.)

<u>17-41-301(b)</u>: creation of CIMPA is a legislative act <u>17-41-304(3)</u>: City Council can approve, modify and approve, or deny application <u>17-41-304</u>: After receiving recommendations from Planning Commission and County Advisory Board, City Council must give 7 days public notice and hold a public hearing before taking final action on application for CIMPA <u>17-41-304</u>: City Council must approve, modify and approve, or deny application for CIMPA within 120 days after receipt of application (4/4/25) <u>17-41-305</u>: Criteria to be applied in evaluating a proposal for the creation of a protection area: In evaluating a proposal and in determining whether or not to create or recommend the creation of a critical infrastructure materials protection area, the advisory committee, planning commission, and applicable legislative body shall apply the following criteria: (1) whether or not the land is currently being used for critical infrastructure materials operations; (2) whether or not the land is zoned for critical infrastructure materials operations; (3) whether or not the land is viable for critical infrastructure materials operations; (4) the extent and nature of existing or proposed improvements to or expansion of critical infrastructure materials operations; and (5) anticipated trends in technological conditions applicable to the critical infrastructure materials operations of the land in question <u>17-41-402.403 and 405</u>: Protections accompanying CIMPA approval 1. The City is required to encourage the continuity, development, and viability of critical infrastructure materials operations by not enacting a local law, ordinance, or regulation that would unreasonably restrict	<u>10-9a-901(8)</u>: To qualify as a vested critical infrastructure materials use, the use must be an "existing legal use." <u>10-9a-903</u>: Rights granted to critical infrastructure material operators with respect to vested critical infrastructure materials uses, <u>regardless of whether a CIMPA is approved or not</u>, include: Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a critical infrastructure materials use adopted after the establishment of the critical infrastructure materials use, including with respect to that existing legal use, the right to: 1. progress, extend, enlarge, grow, or expand the vested critical infrastructure materials use to any contiguous land that the critical infrastructure materials operator owns or controls before May 7, 2025 2. expand, after notice and hearing, the vested critical infrastructure materials use to <u>new</u> land that is contiguous land to the surface or subsurface land on which the critical infrastructure materials operator has a vested critical infrastructure materials use, including the surface or subsurface land, unless the City finds by the preponderance of the evidence on the record that the expansion to new land will endanger the public health, safety and welfare 3. Use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings on any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025. 4. On any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025: a. increase production or volume b. alter the method of extracting or processing, including with respect to the vested use, the right to stockpile or hold in reserve
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critical infrastructure materials extraction operations unless the law, ordinance, or regulation bears a direct relationship to public health or safety 2. The City may not adopt, enact, or amend an existing land use regulation, ordinance or regulation that would prohibit, restrict, regulate, or otherwise limit critical infrastructure materials operations, including vested critical infrastructure materials operations as defined in Utah Code 10-9a-903 3. The City shall ensure that any of the City's laws or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition any critical infrastructure materials operations on the land within the critical infrastructure materials protection area that is consistent with sound practices applicable to the critical infrastructure materials operations, unless that use bears a direct relationship to public health or safety. 4. For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a critical infrastructure materials protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:	critical infrastructure materials, to recycle, and to batch and mix concrete and asphalt*, and c. extract or process a different or additional critical infrastructure material 5. For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a vested critical infrastructure materials operation, the owner of the development shall provide notice on any plat filed with the county recorder the following notice: <i>"Vested Critical Infrastructure Materials Operations"</i> <i>This property is located in the vicinity of an established vested critical infrastructure materials operations in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal critical infrastructure materials operations."</i>
<i>"Critical Infrastructure Materials Protection Area."</i> <i>This property is located in the vicinity of an established critical infrastructure materials protection area in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations."</i> 5. Imposition of additional procedures before exercising the right of eminent domain with respect to property within a protection area. 6. No change in zoning of the area within a CIMPA without written consent of all critical infrastructure materials operators operating with the protection area	*Note that a concrete batch plant or asphalt plant are not vested uses because they are <u>not</u> an "existing legal use"

17-41-307: Twenty (20) Year Review.

In the 20th year after its creation, the City Council shall review a previously approved CIMPA, and, after receiving recommendations from Planning Commission and Advisory Board, hold a public hearing to determine if the CIMPA should be continued, modified or terminated.

TITLE 10 - MIXED USE ZONE (MU) – LA VERKIN CITY

Section 1.0 Purpose

The intent of the Mixed Use (MU) zone is to provide for a mix of commercial uses (lower floor generally facing a public right-of-way) with multi-family residential uses (apartments, condominiums) above and possibly surrounding the commercial lower level area processed as a planned unit development. Mixed use development is intended to be high-quality urban development that is pedestrian friendly and complementary to the surrounding area. Commercial uses and professional/artisan uses must be a part of the overall design of any development. All provisions of the La Verkin Municipal Code not specifically stated in this zoning section shall apply where applicable.

Section 1.1. Permitted Uses

A. The following uses are permitted in the MU zone:

- Accessories shop
- Antique shop
- Appliance sales, including electronics
- Art school
- Bakery products
- Bank, savings and loan or other financial institution
- Barber shop
- Beauty and/or nail salon
- Beauty school
- Bicycle shop
- Blueprinting and copying
- Book and stationery store
- Business college
- Camera shop
- Cards/gifts shop
- Check cashing shop
- Childcare center
- Clothing and wearing apparel shop
- Clothes cleaning
- Computer/electronics store
- Confectionery store
- Convenience store
- Cosmetics store
- Crafts and supplies store
- Custom dressmaking shop
- Cutlery shop
- Dance studio
- Decorating or drapery shop
- Delicatessen
- Doughnut shop
- Eyeglass and lens store
- Fabric store

Fitness center
Flower shop
Food specialties store
Furniture store
General merchandise store
Gift shop
Grocery store - neighborhood
Hardware and appliance store
Health/nutrition store
Hobby shop
Home furnishings store
Home occupations subject to LVMC Section 10-7-17
Indoor recreational facilities
Interior decorator
Jewelry store
Kitchenware store
Leather goods shop
Library
Locksmith
Mail center
Martial arts studio
Medical office
Medical supplies sales
Microbrewery
Music instruments shop
Nursery or day care
Offices, business or professional
Office products and supply store
Paint store
Parking structures
Party goods store
Pet shop
Post office and related services
Printing, photocopying
Radio, television and appliance store
Residential (condominiums, apartments). Must be associated with a bottom floor commercial component subject to PUD overlay requirements
Restaurant or other eating place, including ice cream, yogurt, cookies
Retail sales
Shoe store
Sporting goods store
Studio, art or music
Supermarket
Swimming pool/supplies store
Tailor shop
Thrift store
Toys/hobbies store
Variety store

B. Uses Subject to Conditions

1. Temporary office or trailers allowed only during construction. Such a trailer is subject to an approved site plan addressing parking, fencing, lighting and signage. The trailer must be removed once construction is complete.
2. Temporary sales.

C. Uses Subject to Similar Use Finding

1. The planning commission, based on its own discretion, can find that other proposed uses similar with those listed above are consistent with the intent of this land use classification.

Section 1.2 Application Requirements

Residential/commercial developments in the MU zone shall comply with the following application requirements:

- A. Precise Plan:** A precise plan application shall be submitted to the city for review and approval. A dimensioned site plan(s) must show the entire development under consideration including building location(s), setbacks, lot coverage, access locations, parking lot design, required parking calculations, perimeter wall(s) locations and design, loading spaces, lighting location and type, preliminary landscape plan trash enclosures design and locations, storage locations (if any), utilities plan (including fire hydrant locations), equipment locations and screening, phasing (if any) and any other pertinent design features or aspect of the development. The site plan shall provide the location of all existing and proposed main buildings and accessory buildings as well as distance and contemplated uses.
- B. Architectural drawings:** Architectural drawings shall be included as part of the precise plan application. Plans shall consist of building elevation/façade renderings with exterior materials clearly depicted, proposed colors, identification of building massing and design and roof type and color and any other design feature. Material and color palettes shall be included as part of the submission.
- C. Studies:** The city may require studies to analyze the impact of a project. Studies may consist of traffic, noise, drainage, geotechnical or any other study the city requires in order to properly analyze the impact of the project.
- D. Landscaping:** A landscape plan shall be reviewed at the time of precise plan approval. All landscaping shall be maintained by means of an automatic sprinkling system. The use of drought tolerant landscaping and sprinkler fixtures shall be incorporated into the landscape plans. Compliance with Washington County Water Conservancy planting materials and guidelines is required.

- E. Signage:** A comprehensive sign plan shall be submitted and approved by the city at the time of precise plan approval. The comprehensive sign plan shall include and where applicable comply with the following:
1. **Site plan:** Site plans shall include locations, dimensions of the sign area and structure, building materials and colors and sketches and elevations of the signs to scale showing the architectural detail and overall size of the proposed signage.
 2. **Sign structures:** Sign structures shall incorporate the design theme, materials, colors and elements of the center's architecture.
 3. **Building signs:** A ratio of 1.25 square feet of sign area for each linear foot of building or tenant space frontage is required.
 4. **Under canopy:** Under canopy signs are allowed for tenant identification. The maximum size shall be eight square feet and be consistent with the design theme of the center.
 5. **Monument signs:** Monument signs shall be permitted for shopping centers adjacent to a public street and be spaced 300 feet apart. The overall area of a sign shall not exceed forty-eight (48) square feet, and the overall height of the sign shall not exceed six (6) feet. All monument signs shall be placed outside of corner cut-off areas. Monument signs shall match the architecture of the center.
 6. **Pylon signs:** Pylon signs are not permitted.
 7. **Temporary signs:** Temporary signs are permitted but must be approved by the city and be consistent with the design standards of the sign program.
- F. Lighting:** Lighting, including parking lot lights, security lights and illuminated signs, shall be designed and directed in a manner to prevent glare on adjacent properties and into the sky. In order to more fully implement this requirement, a photometric lighting plan may be required to show that there will be no significant overflow lighting.

Section 1.3 Development Requirements/Standards

A. Setbacks

1. **Front or street:** A minimum 15-foot wide landscape area between the property line and any improvements (i.e., buildings, courtyards, parking spaces, paving, etc.).
2. **Side:** Ten (10) feet landscaped. If located adjacent to a residential area, a 20-foot wide landscape setback (buffer) is required. Building setbacks adjacent to residentially zoned areas shall be 60 feet.
3. **Rear:** Ten (10) feet landscaped. If located adjacent to residential areas, a 20-foot wide landscape setback (buffer) is required. Building setbacks adjacent to residentially zoned areas shall be 60 feet.

B. Lot coverage: Structures on a lot shall not exceed 75% of the total lot area.

C. Density: The maximum residential density shall be 14 residential dwelling units per acre.

D. Height: Maximum building height shall be four stories or 50 feet.

- E. Residences:** Minimum dwelling unit square footage shall be 600 feet.
- F. Block wall:** A six-foot high decorative block wall shall be required around the perimeter of the property if adjacent to residentially zoned areas.
- G. Vehicular access/parking:** All facilities/uses shall have driveways, points of vehicular ingress and egress and parking. The parking requirement shall be one nine (9) foot by 18 foot parking space for every 200 square feet of commercial floor area. One nine (9) foot by 18 foot parking space required for each 3.5 seats or one parking space for 100 square feet of restaurant floor area (excluding kitchen, storage, etc.), whichever is greater. All drive aisles shall be a minimum of 25 feet in width. Each residential dwelling unit shall have a minimum of two dedicated parking spaces per unit with one being covered or enclosed. One additional nine (9) foot by 18 foot parking space shall be required for every three dwelling units for guest parking.
- H. Buildings:** All buildings shall front a street unless determined otherwise by the city.
- I. Open space:** Two hundred (200) square feet of active open space is required per dwelling unit. One hundred (100) square feet shall be in a private patio area for the exclusive use of each dwelling unit occupant. One hundred (100) square feet shall be provided in a common recreation area.
- J. Common recreation area:** Amenities in the common recreation area may consist of a pool, play area, tennis courts, barbeque areas, canopies, enclosed gym and workout areas, recreation rooms or any combination of the aforementioned and/or alternatives as approved by the city.
- K. Storage areas:** If no enclosed garage is provided for each unit, 250 cubic feet of enclosed storage shall be provided per unit. This storage is in addition to room closets, coat closets, water heater closets, etc.
- L. Loading areas:** Loading spaces shall be provided at a ratio of one for every 15,000 square feet of commercial floor area or as determined by the city. Loading space size shall be 10 feet by 20 feet. This loading space requirement is in addition to the resident/tenant parking requirement outlined in the parking requirement above.
- M. Trash enclosures:** One trash dumpster bin (four yard minimum) located in a decorative enclosure shall be provided for every 20 dwelling units. Additional trash bins shall be required for commercial uses as determined by the city.
- N. Development agreement:** A development agreement is required for review and approval in the MU zone (Reference LVMC Section 10-6G3-7).
- O. Homeowner's association – for sale housing/property owner's association:** Establishment of a homeowner's association/property owner's association is required for attached units, condominium housing and commercial development as determined by the city.

- P. Streets:** All streets in or adjacent to the MU zone shall meet the requirements of the city's construction and development standards including curb, gutter and sidewalk.
- Q. Curb, gutter, sidewalk and paving:** All facilities/uses shall have curb, gutter and sidewalk, and shall have asphalt paving from the curb and gutter out to any existing street asphalt subject to city approval.
- R. Bicycle Racks:** E.V. ready bicycle parking racks (one bicycle parking space for each unit) shall be provided at a centralized location.
- S. Easements:** All lots shall have easements on side and rear property lines of a minimum of seven and one-half (7.5) feet and on a street side property line of ten (10) feet minimum to be used for utilities and drainage (Ord. 2024-03, 2-21-2024).
- T. Outdoor Storage:** Outdoor storage is prohibited. In addition, balconies shall not be used for storage or for hanging laundry or other materials.
- U. Balconies:** Balconies shall be enclosed with a solid material (wall) to a height prescribed by the International Building Code. No wrought iron or open fencing is permitted.

TITLE 10 – LIVE/WORK (LW) ZONE – LA VERKIN CITY

Section 1.0 Purpose

The concept of live/work housing units is not new. For centuries people have lived and worked at the same location. With the advent of zoning, however, uses became separated and over time the live/work concept was phased out. An identified need in the city still exists for locations where the live/work concept can be reestablished. The intent of the city's LW zone is to provide a unique environment that allows for both a residential component and a location for a person to conduct business in accordance with city requirements. Further, the intent of the LW zone is not to provide for uses that are detrimental to the overall health and well-being of the development but to allow for uses that complement each other. All provisions of the La Verkin Municipal Code not specifically stated in this zoning section shall apply where applicable.

Section 1.1 Definition-Requirements Live/Work Units

Live/Work Development: Developments that combine residential and non-residential uses that are restricted in that they also require the owner of the business to reside at the property. A live/work unit shall be associated with the development of a live/work complex and shall not be a single family home, condominium or townhome in a development not designed as live/work.

Live/Work Unit Requirements:

- A. A maximum of one employee other than the owner is permitted to work at a live/work unit.
- B. No portion of a live/work unit may be separately rented or sold.
- C. Client and customer visits to live/work units are permitted.
- D. A business license is required to be obtained from La Verkin City for the business portion of a live/work unit.
- E. The unit and especially the business portion of the unit shall meet fire/health/safety requirements as determined by the city.
- F. A two-foot by three-foot sign is allowed for each unit indicating the name of the business and hours of operation.
- G. A live/work unit must be owner occupied.

Section 1.2 Permitted/Prohibited Uses

No uses are permitted by right in the LW zone other than residential. All uses shall be approved by the planning commission through the use finding process. All approved uses are subject to conditions to ensure compatibility with surrounding businesses and development. Violation of the conditions of approval can result in permit revocation.

A. Use Finding

1. A use finding is required to be approved by the planning commission prior to the establishment of any business use associated with a live/work business unit. The applicant shall demonstrate as part of the use finding that the proposed business use shall not have the potential to adversely affect others living in the development and that dust, heat, noise, glare, noxious fumes, odor, vibration or other business

related impacts will not affect other residents or businesses in the development. The planning commission shall also have the authority to set and approve hours of operation for businesses. The planning commission, based on its own discretion and information provided by an applicant and staff, can find or deny that a proposed use is compatible with the intent of the LW zone as described in Section 1.0.

B. Prohibited Uses

The following uses are prohibited in the LW zone:

Automobile repair (commercial)
Banks
Building material outlets
Car wash
Car/vehicle/RV sales
Convenience stores
Daycare centers
Department stores
Entertainment venues
Equipment sales
Funeral services
Gas stations
Grocery/Markets
Gyms
Heavy Industrial/manufacturing
Large scale retailers
Outdoor storage
Recreation facilities
Restaurants
Retail stores (large scale)
Sheet metal shops
Special event centers
Studios/schools
Vacation rentals
Veterinary services

Section 1.3 Application Requirements

All new development in the LW zone shall comply with the following application requirements:

- A. Precise Plan:** A precise plan application shall be submitted to the city for review and approval. A dimensioned site plan(s) must show the entire development under consideration including building location(s), setbacks, lot coverage, access locations, parking lot design, required parking calculations, perimeter wall(s) locations and design, loading spaces, lighting location and type, preliminary landscape plan trash enclosures design and locations, storage locations (if any), utilities plan (including fire hydrant locations), equipment locations and screening, phasing (if any) and any other pertinent

design features or aspect of the development. The site plan shall provide the location of all existing and proposed main buildings and accessory buildings as well as distance and contemplated uses.

- B. Architectural drawings:** Architectural drawings shall be included as part of the precise plan application. Plans shall consist of building elevation/façade renderings with exterior materials clearly depicted, proposed colors, identification of building massing and design and roof type and color and any other design feature. Material and color palettes shall be included as part of the submission.
- C. Studies:** The city may require studies to analyze the impact of a project. Studies may consist of traffic, noise, drainage, geotechnical or any other study the city requires in order to properly analyze the impact of the project.
- D. Landscaping:** A landscape plan shall be reviewed at the time of precise plan approval. All landscaping shall be maintained by means of an automatic sprinkling system. The use of drought tolerant landscaping and sprinkler fixtures shall be incorporated into the landscape plans. Compliance with Washington County Water Conservancy planting materials and guidelines is required.
- E. Lighting:** Lighting, including parking lot lights, security lights and illuminated signs, shall be designed and directed in a manner to prevent glare on adjacent properties and into the sky. In order to more fully implement this requirement, a photometric lighting plan may be required to show that there will be no significant overflow lighting.
- F. Plat Map:** Processing of a plat map is required to establish individual ownership.

Section 1.4 Development Requirements/Standards

- A. Setbacks**
 - 1. Front or street: A minimum 15-foot wide landscape area between the property line and any improvements (i.e., buildings, courtyards, parking spaces, paving, etc.).
 - 2. Side: Ten (10) feet landscaped. A 20-foot wide landscape setback (buffer) is required if located adjacent to a residential area. Building setbacks adjacent to residentially zoned areas shall be 60 feet.
 - 3. Rear: Ten (10) feet landscaped. A 20-foot wide landscape setback (buffer) is required if located adjacent to residential areas. Building setbacks adjacent to residentially zoned areas shall be 60 feet.
- B. Lot coverage:** Structures on a lot shall not exceed 75% of the total lot area.
- C. Density:** The maximum live/work unit density shall be 10 units per acre.

- D. **Height:** Maximum building height shall be three stories or 45 feet. The residential portion of the live/work unit shall be located on the top floor(s) with the business portion of the unit located on the bottom floor.
- E. **Residences:** Minimum dwelling unit square footage shall be 700 feet.
- F. **Block wall:** A six-foot high decorative block wall shall be required around the perimeter of the property.
- G. **Vehicular access/parking:** Live/work developments shall have driveways, points of vehicular ingress and egress and parking. Live/work units shall have a minimum two car garage. The two car garage may be used for business purposes. Two exterior parking spaces for customers shall be provided in front of the two car garage. The two exterior parking stalls shall be a total of 18 by 18 feet in size. One nine (9) foot by 18 foot guest parking space shall be provided for every three live/work units.
- H. **Buildings:** All buildings shall front a street unless determined otherwise by the city.
- I. **Open space:** Two hundred (200) square feet of private patio open space shall be provided per live/work unit. One hundred (100) of the square feet of open space can be provided in a common area.
- J. **Storage areas:** Two hundred and fifty (250) cubic feet of enclosed storage shall be provided per unit. This storage is in addition to room closets, coat closets, water heater closets, etc. No outdoor storage is permitted.
- K. **Loading areas:** One dedicated and marked 10 foot by 20 foot loading space shall be required for every 15 dwelling units and live/work units. This loading space requirement is in addition to the resident/guest parking space requirement outlined in the parking requirement above.
- L. **Trash enclosures:** One trash dumpster bin (four yard minimum) located in a decorative enclosure shall be provided for every 20 live/work units.
- M. **Development agreement:** A development agreement is required for review and approval for new development in the LW zone (Reference LVMC Section 10-6G3-7). The development agreement shall specifically state that the purpose of a live/work development is to provide for residential and non-residential uses that are restricted and that units must also continuously contain an associated business.
- N. **Homeowner's association/property owner's association – for sale housing:** Establishment of a homeowner's association/property owner's association is required for live/work units. The homeowner's association documentation for live/work developments shall specifically state that the purpose of a live/work development is to provide for residential and non-residential uses that are restricted and that units must also continuously contain an associated business.
- O. **Streets:** All streets in or adjacent to the LW zone shall meet the requirements of the city's construction and development standards including curb, gutter and sidewalk.

- P. Curb, gutter, sidewalk and paving:** All facilities/uses shall have curb, gutter and sidewalk and shall have asphalt paving from the curb and gutter out to any existing street asphalt subject to city approval.
- Q. Outdoor Storage:** Outdoor storage is prohibited. In addition, balconies shall not be used for storage or for hanging laundry or other materials.
- R. Balconies:** Balconies shall be enclosed with a solid material (wall) to a height prescribed by the International Building Code. No wrought iron or open fencing is permitted.
- S. Easements:** All lots shall have easements on side and rear property lines of a minimum of seven and one-half (7½) feet and on a street side property line of ten (10) feet minimum to be used for utilities and drainage (Ord. 2024-03, 2-21-2024).

Advisory Board Memorandum of Conclusions and Recommendations

**Critical Infrastructure Materials Operation of Interstate Rock Products, Inc. (“Interstate”)
Proposal to Create a Critical Infrastructure Materials Protection Area (the “Proposal”)**

**La Verkin City, Washington County, Utah
Date: June 10, 2025**

**Proposed CIMPA Properties Limited to: Parcel Nos. LV-160-A-N-SA, LV-3-1-13-4200,
LV-174-A-4, and LV-174-A-5; totaling approximately 116.3 acres (the “CIMPA Property”)**

I. Introduction

Interstate has submitted its Proposal for a Critical Infrastructure Materials Protection Area (CIMPA) to La Verkin City. Pursuant to Utah Code Ann. § 17-41-201(1), an Advisory Board has been created by Washington County, Utah to provide expert advice regarding the proposed CIMPA.

II. Advisory Board Members

Kirk Thornock
Victor Iverson
Todd Edwards
Phil Schmidt
Mark Owens

III. Duties of the Advisory Board

The duties of the Advisory Board are outlined in Utah Code Ann. § 17-41-201(3). The evaluation criteria used by the Advisory Board are outlined in Utah Code Ann. § 17-41-305. Additionally, the Advisory Board is tasked with analyzing and evaluating the objections to the Proposal in accordance with Utah Code Ann. § 17-41-303(2)(b).

IV. Evaluation Criteria Analysis to Determine Whether to Recommend Creation of a CIMPA

A. Current Use of the Land

The land proposed for inclusion in the CIMPA is **currently used for a critical infrastructure materials operation**. Interstate purchased the CIM area around August, 1994. Historical maps of the area also show Interstate had an active operation on the Property dating back prior to 2004 supported by historical maps in the area. See EX A, attached. The current operations include extraction, excavation, processing, and reprocessing of sand, gravel, rock aggregate, and landscape rock in commercial quantities (the "CIM operation"). Interstate has maintained continuous CIM operations on the site for decades supporting local infrastructure development, public works projects, private residential and commercial development projects, and roadway construction throughout Washington County and the surrounding areas.

B. Zoning Status

The CIMPA Property is **not currently zoned for industrial use or extraction of sand and gravel** under the current zoning regulations in the City of La Verkin because of its history. In 2003 the Property was disconnected from the Town of Toquerville and annexed into the City of La Verkin. See, EX B, attached. The area of the existing CIM operation was accepted into the City of La Verkin as an existing operation into a R-A-1 zone because La Verkin did not have an Industrial or Mining and Gravel zoning designation. The zoning designation is a residential agriculture zone with minimum lot sizes of ½ acre. **Due to the disconnection from Toquerville and annexation into La Verkin, the current use of the Property as a CIM operation is existing, nonconforming in the R-A-1 zone.**

C. Viability for Critical Infrastructure Materials Operations

Based on subsurface exploration performed by Interstate, and its operational history, the CIMPA Property is **highly viable for continued and future critical infrastructure materials operations**. Studies indicate sand layers 20-30 feet deep, and gravel deposits in excess of 60-100 feet deep. The sand, gravel, rock aggregate, and landscape rock at the site are commercially valuable and accessible with current technology and practices. The topography and proximity to transportation corridors, including nearby access to State Road 17, Interstate 15, and other local, state federal roadways, support efficient operation and distribution. There is no known impediment to the long-term viability of the site for these purposes.

D. Existing and Proposed Improvements

The site **currently includes extraction equipment, material handling, processing equipment, crushers, conveyors, screens, haul roads, and administrative facilities** supporting the CIM operations. Interstate has proposed additional improvements to enhance the CIM operation and increase efficiency. It has not proposed changing the type or nature of the CIM operation.

Additionally, Interstate proposes to continue to comply with local, state, and federal law regarding:

- Dust control and mitigation
- Full time water truck and sprayers by aggregate production
- Storm water management (Storm Water Pollution Prevention Plan and Best Management Practices)
- Hours of operation

Interstate has expressed a commitment to long-term operational stability, environmental mitigations, and compatibility with surrounding land uses. Interstate shall continue to meet all legal requirements including State DEQ, Federal EPA, and MSHA silica testing standards.

V. Evaluation of Proposal for Establishment of Critical Infrastructure Materials Protection Area and Recommendations of the Advisory Board

After comprehensive evaluation, the Advisory Board submits this recommendation concerning the proposal to designate the Property as a Critical Infrastructure Materials Protection Area. The Advisory Board recommends granting the CIMPA over the following properties: Parcel Nos. LV-160-A-N-SA, LV-3-1-13-4200, LV-174-A-4, and LV-174-A-5; totaling 116.3 acres, as proposed by Interstate. See EX C, attached.

The Advisory Board **recommends approval** of the proposed CIMPA, with the conditions set forth herein, for the following reasons:

- The CIM operation provides essential materials for regional roadways, residential and commercial development, and it supports construction of large, underground utility and infrastructure projects.
- The site's geological suitability, transportation access, and location relative to projected growth corridors in Washington County enhance its strategic value.
- There are limited aggregate resources in Washington County, and this site provides a much needed resource.
- The site is centrally located to serve the needs of critical infrastructure materials in the eastern part of Washington County.
- Establishing a CIMPA will allow long-term continuity of this critical use, and the recommended conditions will mitigate the impacts on residential and other development nearby.
- The property is suitable for reclamation as future housing. This matches the existing zoning for the property.

A. Desirability of the Proposal

The proposal is highly desirable, particularly due to its critical role in supporting key sectors in Washington County:

- **Transportation Infrastructure:** Aggregates produced by this operation are used in borrow materials, road base, concrete production, and asphalt production. With major transportation expansions planned in the county (e.g., SR-7, SR-9, Sheep Bridge Road, Big Plains Road, Kolob Terrace Road, and SR-59 corridors), local supply reduces cost and transport time to sites in Washington County and adjacent jurisdictions. This also reduces wear and tear on existing roads by reducing the length that materials need to be transported.
- **Residential and Commercial Development:** As Washington County experiences rapid population growth, sand, gravel, rock aggregate, and landscape rock are necessary for concrete foundations, grading, utility trenching, and landscaping.
- **Public Utilities and Pipelines:** Local gravel supports trench backfill, pipeline bedding, and access road development for water, water storage, sewer, gas, and broadband infrastructure.
- **Suitability:** Aggregate suitability of this source for construction materials is unique in Washington County.

Approving the CIMPA ensures a stable, long-term source of these critical materials, reducing haul distances, lowering environmental impact, and supporting cost-effective development.

B. Nature of Critical Infrastructure Materials Operations Within the Proposed CIMPA Property

The operation includes:

- Open-pit extraction of naturally occurring sand, gravel, aggregate, and rock deposits.
- Processing involving screening, crushing, washing, and stockpiling.
- On-site logistics including weigh scales, loading, haul routes, fuel and equipment storage, and office.
- Environmental controls to manage overburden, storm water runoff, dust, and emissions.

C. Relation of Operation to the County as a Whole

The operation's contributions to Washington County and the region include:

- Supporting regional infrastructure including transportation, water, sewer, and communications projects.
- Reducing trucking costs associated with importing materials from other counties in Utah or other jurisdictions like Arizona or Nevada.
- Supplying public and private development sectors amid sustained growth in St. George, Hurricane, and surrounding communities in the eastern portion of Washington County. Multiple large development projects are currently in the planning and development stages proximate in location to the CIMPA, including Firelight in Toquerville, Grapevine in Leeds, Solara in Washington County, and many others.

According to the Kern C. Gardner Policy Institute the annual growth rate in Washington County in 2021 equaled 4.02% with a total population of 189,432. If projected growth rates are realized,

Washington County will gain 65,018 new residents between 2020 and 2030, and 282,212 new residents between 2020 and 2060. The projected population increase of 65,018 new residents between 2020 and 2030 is significant because it will require additional construction and infrastructure capacity. The 95,990 additional households will need a place to live.

Failure to approve this CIMPA could place significant strain on future development timelines and public budgets by increasing dependence on long-haul sourcing of critical infrastructure materials. Long-haul sourcing contributes to project costs, increased traffic, roadway wear and tear, and increased emissions.

D. Permitted Operations Within the CIMPA

The Advisory Board recommends the following activities be continued and authorized within the CIMPA:

1. Extraction and processing of sand, gravel, associated aggregates, and landscape rocks.
2. Material stockpiling, crushing, and washing facilities.
3. Transportation and access infrastructure, including internal haul routes and staging areas.
4. Water and environmental management systems, including sediment ponds, storm water systems, and dust suppression mechanisms.
5. Administrative and office facilities, including safety and training areas.
6. Material and overburden storage.
7. Progressive reclamation and site reclamation activities.

To ensure protection of nearby uses, the Advisory Board also recommends adoption of its conditions as part of approval of the CIMPA, as set forth herein, to mitigate the impact of the CIM operation on the residents and the public.

VI. Recommended Conditions of the CIMPA

While the CIM operation is essential, care must be taken to protect nearby longstanding, newly constructed, and planned residential areas. It is the responsibility and duty of Interstate to show compliance with the CIMPA conditions, and allow periodic inspections, or as deemed necessary by the City during reasonable hours, to verify compliance. The Advisory Board recommends that the following conditions be incorporated as part of approval of the CIMPA:

A. Dust Suppression

- Full time use of water trucks and sprinklers on haul roads and material stockpiles during operations and as needed to prevent fugitive dust.
- Chemically stabilizing access roads to reduce airborne particulates as needed.
- Increasing dust monitoring and mitigation with necessary staff on non-operational days.
- Future upgrades by enclosing or spraying of conveyors or processing points to limit dust spread. By 2030, all conveyor belts shall have conveyor enclosures, or water or chemical spray bars in operation during processing.

- Use track pads or other methods to track all dust, dirt, and mud on the CIMPA and not on public roadways. Promptly clean track events on public roadways if they occur.

B. Noise Control

- Current use of natural topography to block sound transmission toward neighborhoods, acknowledging sound-blocking topography will change in the CIMPA over time especially to the west.
- Routine maintenance of equipment to ensure mufflers and sound-dampening components are functioning.
- Future equipment upgrades with noise mitigation features in accordance with sound business practices in this region for the industry as equipment technology becomes more efficient and quieter.

C. Visual Buffers, Operational Hours, and Safety

- Interstate to maintain a 2:1 slope or flatter with all adjacent properties during CIM operations and at cessation of CIM operations. Maintain natural topography, or a relatively flat five-foot setback area before beginning the engineered and designed slope. This will protect fencing, natural topography, and other structures on adjacent properties from becoming unstable due to the CIM operations. Provide engineering analysis for slope stability, and comply with all MSHA requirements regarding berming and cut and fill slopes.
- Operational hours limited to 7:00 a.m. to 7:00 p.m. and limited to weekdays (no holidays).
- Rockfall netting or barriers at vulnerable boundary areas is required.
- All unused or inoperable equipment or vehicles shall be removed from the CIMPA on an ongoing basis. No onsite storage or disposal of inoperable equipment or vehicles, junk, trash, or construction debris.
- Maintain the natural terrain and vegetation in the existing wash to provide a visual feature and buffer to the CIM operation currently enjoyed by the proximate residents.

D. Prepare, Obtain Approval from La Verkin City, and Comply with a Reclamation and Rehabilitation Plan

- The Reclamation and Rehabilitation Plan (the "Plan") shall provide for responsible phasing of extraction using sound business practices to limit the exposed surface area of the CIM operation at any one time. Disturbance shall be limited by the phases in the Plan with reclamation and rehabilitation required by phase. A new phase may begin while the old phase is being rehabilitated (for a total of two phases being disturbed at one time). Rehabilitation and reclamation of a phase shall not take longer than two years.
- Comply with details in the Plan, which may include, but not be limited to, stabilizing of slopes, regrading of stockpiles and overburdens, removal of all waste or contamination, controlling erosion, storm water pollution prevention, topsoil replacement, revegetation, dust control, or any other management to keep the site from becoming a nuisance.

- The Plan shall require removal of any water or drainage that could pool, stagnate, flood onsite or offsite, or contaminate ground water.
- Natural topography, drainage, and vegetation in the existing natural wash running adjacent to the south and southwest of the CIM Property (EX C) shall be maintained throughout the CIM operation and during the reclamation and rehabilitation phases.
- Provide a bond or cash escrow to assure performance of each phase of the Plan satisfactory to La Verkin City. As one phase of the reclamation and rehabilitation is complete, the performance assurance can be used for the next phase. The amount of the performance assurance shall be 100% of the total estimated cost of rehabilitation, reclamation, and post-closure upon satisfactory City inspections. The cost estimate shall be submitted by Interstate and verified as accurate by La Verkin City.
- Failure to comply with the Plan in each phase is grounds for denial or non-renewal of any City permit or business license, and other remedies per City ordinances.

E. No Asphalt Mixing or Batch Plant

- Due to the proximity of the CIMPA to longstanding, new, and planned residential development, the Property is not suitable for asphalt production, mixing, or batching. Other facilities of this type exist in the region and are proximate to this CIMPA.

F. Roadways and Access

- Maintain existing access to the CIMPA Property with the primary access being on Main Street in La Verkin to SR 9. This access was constructed to a standard that is better able to withstand the truck traffic. Avoid roadway accesses through other subdivisions or residential developments on 740 North or Grand Teton Street. Public roadway connections shall be constructed and/or repaired at the property owner's expense, or as provided by an agreement of the property owners, to the standards of the appropriate jurisdiction and built to withstand the truck weights and traffic volumes of the CIM operation.
- All vehicles entering the public rights-of-way shall have weight distribution properties that prevent damage to the public rights-of-way. If damage occurs, the owner and authorized operator are responsible for the cost of repairs.
- Continuous emergency access shall be provided through the CIMPA property from Main Street in La Verkin to Grand Canyon Parkway in Toquerville. The access may be gated and locked, but emergency service providers may cut the locks or gate at owner's expense in the event of an emergency.

G. CIMPA Expansion

- No future expansion of the CIMPA to adjacent or contiguous properties owned by Interstate due to longstanding, new, and anticipated residential development including the following properties: Parcel Nos. LV-154-A, LV-159-A, LV-3-1-13-3401, LV-3-1-13-3420, and LV-3-1-13-3431. Grading on these and other parcels in the vicinity for development is required to be in compliance with city hillside ordinances and grading permit requirements. Normal development is the appropriate method for development

approvals and use of these adjacent properties, not CIM operations. Also, any future property acquisitions would not be eligible for the CIMPA designation.

H. Community Notice

- Provide “doorknob notice” in advance of blasting or temporary extended hours of operation, with La Verkin City approval, that may temporarily affect traffic or noise levels to doors within 1,000 feet of the CIMPA. Preblast surveys are recommended for residential dwellings within 1,000 feet of the CIMPA boundary.
- Comply with Utah Code Ann. § 17-41-304(4) & (5) to provide statutorily required notice of the existence of the CIMPA to all people who have, may acquire, or may seek to acquire an interest in land adjacent to the CIMPA Property.

VII. Evaluation of Objections to the Proposal Received by La Verkin City

The Advisory Board is required to evaluate the objections of the community to the proposal for the CIMPA in accordance with Utah Code Ann. § 17-41-303. The Advisory Board has read, evaluated, and considered all of the objections. It is the conclusion of the Advisory Board that the conditions for approval of the CIMPA as listed herein address the concerns of the people and property owners that submitted objections. Compliance with the conditions is an essential component of the recommendation of the Advisory Board that the CIMPA be approved.

The CIMPA designation should be contingent on Interstate’s formal acceptance and implementation of the recommended conditions and mitigation measures outlined above. This dual approach will ensure that the region continues to benefit from a secure, local CIM operation and supplies while protecting the health, welfare, and property interests of neighboring residents.

VIII. Conclusion

The Advisory Board concludes that the proposal by Interstate Rock Products, Inc. for a CIMPA designation should be approved by the City of La Verkin subject to compliance with the recommendations and conditions set forth herein for the area outlined on EX C attached hereto and incorporated herein. This conclusion is based on the facts and findings herein, and as follows:

- The CIMPA fulfills a strategic need for critical infrastructure materials;
- It is appropriately located to minimize long-haul impacts and support regional growth;
- The CIM operation can be operated in a manner compatible with adjacent land uses through implementation of reasonable conditions, operational improvements, and mitigation procedures.

Submitted by:

Victor Iverson
Chair, Washington County Advisory Board
June 10, 2025

ATTACHMENTS

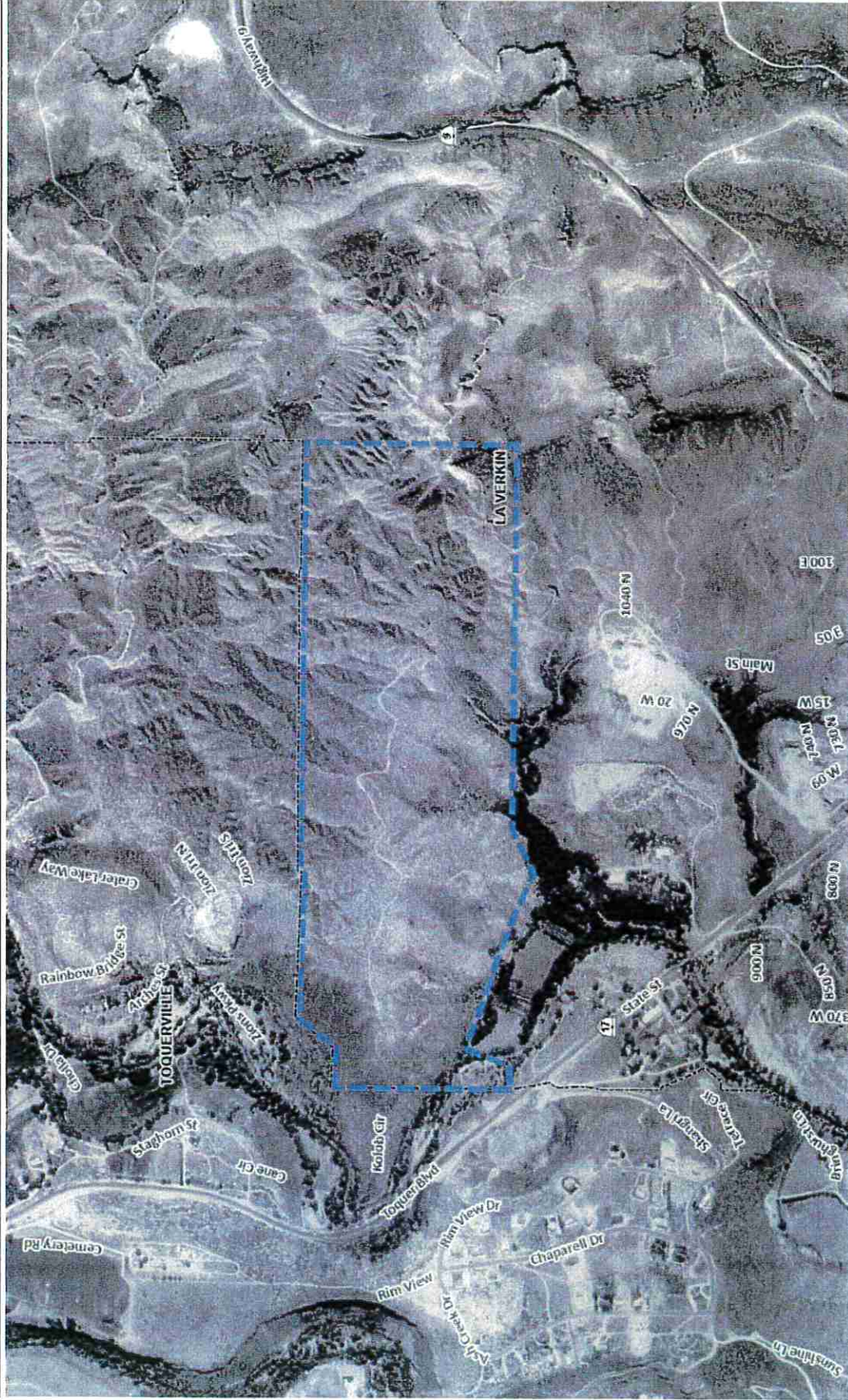
EX A -- Historical Maps 1993 and 2004

EX B -- La Verkin City Council Resolution Annexing Property

EX C - CIMPA Recommended Property Boundary



1993 Aerial



- Legend**
- Municipalities**
- U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wide
 - National Park Service
 - Shoshone 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

Notes

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.



- Legend**
- Municipalities
Parcels 2004
Ownership
- U.S. Forest Service
U.S. Forest Service Wilderness
Bureau of Land Management
Bureau of Land Management Wildlife
National Park Service
Shoshone 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

1,504.7	0	752.33	1,504.7 Feet
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WGS_1984_Web_Mercator_Auxiliary_Sphere



ORDINANCE No. 2003-01

INTERSTATE ROCK ANNEXATION ORDINANCE

WHEREAS, in September, 2002, various owners of certain real property lying contiguous to the present municipal limits of LaVerkin City submitted a Petition for Annexation to LaVerkin City pursuant to Utah Code Ann. §10-2-403; and

WHEREAS, the Petition came before the City Council for its approval, as required by Utah Code Ann. §10-2-405; and

WHEREAS, within thirty (30) days of the City Council's acceptance of the Petition, the City Recorder and County Clerk, Surveyor and Recorder reviewed the Petition to determine if it met the requirements set forth in Utah Code Ann. §10-2-405; and

WHEREAS, the City Recorder and County Clerk, Surveyor and Recorder determined that the requirements set forth in Utah Code Ann. §10-2-403 were satisfied and certified the Petition; and

WHEREAS, the City Recorder mailed written notification of certification to the City Council, contact sponsor, and County Commission pursuant to Utah Code Ann. §10-2-406; and

WHEREAS, within twenty (20) days after the Council received notice of certification, the City Recorder mailed notice to each affected entity pursuant to Utah Code Ann. §10-2-406 and notice was published for three (3) consecutive weeks beginning no later than ten (10) days after the City Council received notice of certification pursuant to Utah Code Ann. §10-2-406; and

WHEREAS, no valid protest to the Petition was filed pursuant to Utah Code Ann. §10-2-406; and

WHEREAS, the City Council set the matter for public hearing and proper notice was published at least seven (7) days prior to the scheduled public hearing pursuant to Utah Code Ann. §10-2-407; and

WHEREAS, the City Council held the public hearing to consider the ordinance to annex the proposed area; and

WHEREAS, LaVerkin City has complied with all requirements pertaining to annexation as required by Utah Law.

NOW THEREFORE, be it ordained by the City Council that LaVerkin City does hereby grant the Petition for Annexation and adopt this Interstate Rock Annexation Ordinance as follows:

The City hereby approves for annexation the following described real property:

A parcel of land in the West One-Half of Section 13; and the Northeast quarter of Section 14; and the Northwest Quarter of Section 24, all in Township 41 South, Range 13 West, Salt Lake Base and Meridian, further described as follows:

COMMENCING AT THE South Quarter corner of said Section 13; thence North 00°17'51" East, 542.42 feet, to the Point of beginning; thence North 89°43'57" West, 866.01 feet; thence North 89°45'30" West, 170.50 feet; thence South 57°54'30" West, 441.45 feet; thence South 00°13'30" West, 255.12 feet; thence South 05°38'17" West, 14.31 feet; thence South 77°30'00" West, 521.40 feet; thence South 16°17'39" West, 157.77 feet; thence North 63°15'49" West, 101.68 feet to a point on a curve with a radius of 1450 feet and a radial bearing of South 89°42'06" West, said point being on the Easterly line of State Highway; thence Northwesterly 991.15 feet along the curve of said arc through an angle of 39°09'53"; thence north 39°27'48" West, 221.43 feet; thence north 17°39'33" West 80.77 feet; thence North 29°58'17" West 215.21 feet; thence departing said highway, North 00°06'25" East, 212.40 feet; thence South 88°47'16" East 666.12 feet; thence North 00°56'33" East, 1308.49 feet; thence North 88°23'21" West 378.31 feet; thence South 65°43'15" West 336.95 feet; thence north 66°37'44" West 300.01 feet; thence North 53°52'40" West, 205.04 feet; thence North 72°30'52" West 158.53 feet; thence North 68°53'14" West 497.87 feet; thence South 20°03'04" West 332.36 feet; thence North 89°12'33" West 102.94 feet; thence South 00°09'09" East 99.49 feet to the East Right of Way of State Highway; thence North 39°31'35" West 71.75 feet along said right of way; thence departing said Highway North 00°02'31" West 1104.24 feet; thence South 86°54'00" East 242.47 feet; thence North 36°07'00" East 303.01 feet; thence North 89°22'01" East 901.75 feet; thence South 89°23'57" East, 2673.07 feet to the Center Section line of said Section 13; thence South 00°17'51" West, along the Center Section line 3439.22 feet to the point of beginning. Less the north 10 feet of all property that is to be conveyed party.

GILBERT PROPERTY

BEGINNING at a point located on the Section line North 88°14'27" West 236.80 feet from the North Quarter Corner of Section 24, Township 41 South, Range 13 West, Salt Lake Base and Meridian; thence along an existing fenceline South 0°25'03" West 340.79 feet; thence south 41°02'12" East 389.90 feet; thence South 4°07'27" West 340.79 feet; thence South 41°02'12" East 389.90 feet; thence South 4°07'27" East 119.07 feet; thence departing said fenceline; thence South 89°46'00" West 1431.93 feet; thence North 0°15'15" West 25.00 feet; thence North 89°46'00" East 549.13 feet; thence North 0°15'15" West 1271.43 feet to an existing fence line; thence along said fenceline, South 89°43'57" East 628.95 feet; thence South 0°15'48" West 536.25 feet to the point of beginning.

GILBERT PROPERTY

BEGINNING at a point North 88°14'27" West 1410.87 feet from the North Quarter Corner of Section 24 Township 41 South, Range 13 West, Salt Lake Base and Meridian; thence North 5°38'17" East 14.31 feet; thence North 0°13'30" East 255.12 feet along an existing fence; thence North 57°54'30" East 441.45 feet along an existing fence; thence South 89°45'30" East 170.50 feet along an

existing fence; thence South 0°15'15" East 1271.64 feet; thence South 89°46' West 549.13 feet; thence North 0°15'15" West 770.70 feet, to the point of beginning.

GILBERT PROPERTY

That portion of Sections 13 and 24, Township 41 South, Range 13 West, Salt Lake Base and Meridian, described as follows:

BEGINNING at a point North 88°14'27" West, along the Section line 236.80 feet from the North Quarter Corner of Section 24, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence North 0°15'48" East 536.25 feet; thence South 89°43'57" East 282.95 feet to a point on the West Right of Way line of Highway U-15; thence along said Right of Way line thru the following courses: South 3°46'35" East 545.98 feet; South 88°14'27" East 150.70 feet; South right along the arc of said curve, 747.67 feet, through a central angle of 45°05'35"; thence departing said right of Way line and running North 0°04'57" West 330.50 feet; thence North 4°07'27" West 140.34 feet; thence North 41°02'12" West 389.90 feet; thence North 0°25'03" East 340.79 feet, to the point of beginning.

LESS and EXCEPTING therefrom that portion lying within the Southeast Quarter of said Section 13.

WILSON PROPERTY

Beginning at the West ¼ Corner Section 13 T41S R3W, Thence South 88°52'54" East along ¼ section line 725.09 feet; thence south 02°10'46" W 12.59 feet to the Point of Beginning; thence South 02°10'46" W 1284.28 feet; Thence North 87°57'20" W 17.70 feet; thence North 0°24'36" E 1290.29 Feet; Thence South 82°20'03" E 57.82 Feet to the Point of Beginning.

This ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED by the City Council of LaVerkin City, the 19th day of February, 2003.

Tom Stocks, Mayor

Attest:

Debi Groves, City Recorder

