

435 North Main Street La Verkin, Utah 84745

(435) 635-2581 (435) 635-2104 Fax www.laverkin.org

La Verkin City Council Meeting Agenda

Work Meeting with planning commission at 5:00 p.m.

Regular meeting Wednesday, June 18, 2025, 6:00 p.m.

Council Chambers, 111 S. Main, La Verkin, Utah

Work Meeting 5:00 p.m.: Combine work meeting with the planning commission

- 1. Mixed-Use
- 2. Live-Work
- 3. ADU as short-term rentals

Meeting Called to Order: Invocation by Invitation; Pledge of Allegiance

A. Presentation:

- 1. Nick Wright, HVFD
- **B.** Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)
 - 1. Declarations of conflict of interest
 - 2. Agenda
 - 3. Meeting Minutes: June 4, 2025, regular meeting.
 - 4. Checks and Invoices: \$ 423,877.57

C. Business:

- 1. Review and discussion regarding the county advisory board and planning commission's recommendations for Interstate Rock Products application for CIMPA.
- 2. Discussion, and possible action to set a public hearing for Wednesday, July 16, 2025, for the Critical Infrastructure Materials Protection application from Interstate Rock Products.
- 3. Discussion and possible action to approve Resolution No. R-2025-<u>07</u> a resolution restricting the use of fireworks.
- 4. Discussion and possible action to approve Resolution R-2025-08, a resolution setting the Certified Tax Rate for La Verkin City for the Fiscal Year beginning July 1, 2025.
- 5. Discussion and possible action to approve the contract with Deckard Technologies.

Mayor & Council Reports:

Mayor Wilson:

Blair Gubler: Washington County Solid Waste, Homeland Security/CERT

Wise: Planning Commission/Zoning, Beautification/Trails Committee, Economic Development/Tourism

Micah Gubler: Public Safety, Recreation/City Festivals

Hirschi: Fire District, Ash Creek Special Service District, DTEC Prince: Southwest Mosquito Abatement, Historical Preservation

Fay Reber: City updates

E. Citizen Comment & Request for Future Agenda Items: No action may be taken on a matter raised under this agenda item. This item is reserved for the citizens of La Verkin who have items not listed on this agenda. There is a time limit of 20 minutes with each individual taking no more than 3 minutes.

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.

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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.
- 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.
- 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.
- 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

<u>Live/Work Development</u>: 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.
- **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.
- 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.
- 1. 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).

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City of La Verkin

435 North Main St., La Verkin, Utah, 84745 (435) 635-2581 Fax (435) 635-2104 www.laverkin.org

La Verkin City Council Meeting Minutes Wednesday, June 4, 2025, 6:00 pm. Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, Richard Hirschi, and Darren Prince; Staff: Kyle Gubler, Fay Reber, Derek Imlay, and Nancy Cline, and Chief Nuccitelli; Public: Mr. Anderson, Chase Stratton, Annika Durum.

Called to Order -Darren Prince gave the invocation/thought and Pledge of Allegiance at 6:00 pm.

A. Presentation:

1. Nick Wright, HVFD

Nothing to report.

- B. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)
 - 1. Declarations of conflict of interest
 - 2. Agenda
 - 3. Meeting Minutes: May 21, 2023, regular meeting.
 - 4. Checks & Invoices: \$ 67,882.57

The motion was made by Councilwoman Patricia Wise to approve the consent agenda as written, including the minutes of May 21, 2025. Checks and invoices in the amount \$67,882.57, second by Councilman Richard Hirschi. Roll Call Vote: Prince-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

C. Public Hearing:

1. Budget Amendment.

Kyle explained that this is the year-end budget amendment that we do every year. We've had revenues that have come in more than we anticipated, and we budgeted for it, so we're going to amend the budget and close it out for the year. He went over several items that changed in the budget. He discussed security cameras, guns for the police, vacation rental software, a new engine for the dump truck, a mini excavator, and storage building for the cemetery.

The public hearing opened at 6:06 pm.

Annika Durum asked where the city cameras were located.

Kyle Gubler explained on city buildings, parks, and water tanks.

Mayor Wilson added they are facing the bathrooms because of vandalism.

Councilman Prince reported that citizens on Facebook were concerned about the cameras facing the bathrooms at the park and who had been there.

Kyle Gubler informed them it costs the city about \$88,000 to fix the bathroom that has been vandalized. The cameras help identify those who have been vandalizing the bathrooms.

The public hearing closed at 6:08 pm.

D. Business:

 Discussion and possible action to approve Resolution R-2025-06, a resolution opening and amending the Fiscal Year 2024-2025.

The motion was made by Councilman Darren Prince to approve Resolution R-2025-06, a resolution opening and amending the Fiscal Year 2024-2025. second by Councilman Richard Hirschi. Roll Call Vote: Prince-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

2. Presentation and discussion regarding application for CIMPA.

Fay explained that the planning commission will make their recommendation for the city council on June 11th. The county advisory board will have their recommendation by June 16th. The advisory board is going on a tour of Interstate Rock Products pit on Thursday at 10:00am and will meet after to discuss their decisions.

Mayor Wilson asked if the county had to have a public meeting for their recommendation.

Fay replied they do not. That the city of La Verkin will have one tentatively July 2nd or July 16th.

Chase Stratton gave his presentation. A historical overview was provided: extraction began in the 1970's for SR-9, with interstate Rock operating since the 1980's and current pit in use since the 1990's. The operation focuses on sand and gravel extraction for construction. The current 15-year plan involves extracting material from a designated green section, followed by another 15-year phase in a different section, totaling 30 years. The pit will be lowered about 10 feet below the road level and not drastically deeper. Full reclamation and subdivision development are planned after 50-60 years. Interstate Rock has complied with all federal, state, and city regulations (MSHA, EPA, air quality) and will continue to do so. House Bill 335, effective May 7th, 2025, defines vested critical infrastructure material use and provides protection. Interstate Rock has declared vested use for sand and gravel but not for asphalt or ready-mix batch plants, as those have never operated on the property. The CIMPA designation is to continue current operations under existing regulations and gain 20 years of protection from eminent domain, rezoning, and certain changes in code. No new uses or expansion are planned. He clarified the access roads that are a concern for trail ridge residents. The access points were defined in a 2006 development agreement with Trail Ridge. Main street access is to be dedicated, with improvements required after 151 lots are platted. Road improvements are to be split 50-50 between Interstate Rock and Trail Ridge developers. Emergency access is permitted but not formalized as an easement. The development agreement was in place before the CIMPA so Interstate will be putting Main Street in. They have already dedicated a portion of the access to La Verkin for the road. They have no problem putting that road in. Emergency access is already there. The reason for the road is there is for an easement for the Water District to access their pipelines. They have also given access to emergency vehicles. But it is not an actual road. It's mostly dirt with a little bit of road base. The Main Street Road is to be put in after 151 lots are platted. They currently have 99. They would agree to put in on the road at any time.

Councilman Prince asked if Trail Ridge was concerned, they wouldn't put that road in.

Chase replied they are concerned about emergency access right now. They have emergency access already.

Councilwoman Wise clarified they entered into an agreement with the developer in Toquerville when 151 plats done how will that fit into their 60-year plan?

Chase replied that the emergency road is on the edge of the property it does not go through the pit. The other three roads they show on their map are not in agreement. Those are roads for their development.

Councilwoman Wise asked about extracting sand and gravel on the property east of main street.

Chase explained there's like 60 feet of lava rock there that is covering any sand and gravel that is usable if they ever decided to mine on that area, it'd be expensive, and it would be very costly. He isn't saying that that's not something that will happen in the future, our 50-to-60-year plan is everything west. Production would be the same if Main Street was there today. The trucks would use Main Street.

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Councilwoman Wise asked if the land gets platted early is that going to mess up their plan to pave Main Street.

Chase replied that they signed a development agreement, and they are ready for whenever that development agreement happens, whether it was a year or two years down the road, they are ready for it.

Fay and Chase discussed what part of the road has already been dedicated to La Verkin.

Mayor Wilson asked if they reported the sand and gravel extraction to the state with La Verkin.

Chase replied that their main office is in Hurricane, but they pay the tax base from the location it is taken. La Verkin receives that tax base from the state.

Fay asked if they had any objection to extending the timetable for making the determination on the CIMPA to allow for maybe some negotiation of a settlement agreement.

Chase commented that their company is easy to schedule an appointment with, and they should be able in the next few weeks to talk and see where the agreement is going. But not past the due date of the CIMPA.

Fay clarified that they are not opposed to at least talking about it within the guidelines or within the time frame established. He added they might have to change the public hearing to July 16th because of the holiday. The city council has to make a determination within 120 days of the date that the application was received. That puts us to roughly August 1st.

Councilwoman Wise commented Chase has come to city council about this since 2022. Interstate rock has been a very good neighbor in the city and she certainly appreciates their business. She lives right off of Main Street and waves hello to their drivers every morning walking or running.

Mr. Anderson is representing the developer, Nicole Baker. If this critical infrastructure area is adopted, then there are things that you cannot do. The powers that the city gives up in Utah for approving this type of a district are Zoning restrictions, the city cannot change zoning designation or zoning regulations or affect the land within CIMPA without obtaining written approval from each critical infrastructure materials operator within the area.

Mayor Wilson commented that even if they don't pass the CIMPA they can go on operating the way they are right now.

Mr. Anderson replied they do have operational rights, and his clients don't want to stop them. He was concerned with the CIMPA the city gives up their eminent domain rights. They cannot condemn property and put in a road without the permission of the owners. The city also can't stop their extraction unless they prove it affects public safety, health, and welfare.

Mayor Wilson asked what the city is giving up.

Mr. Anderson replied that eminent domain and not being able to put a road in if it's needed.

Mayor Wilson responded they already agreed to the road, and they would want to work with them anyway and not force them.

Mr. Anderson said the other concerns were that they can, in this property, they can progress, extend, enlarge, grow, and expand they're operations. They can use, operate, construct, reconstruct, restore, extend, expand, alter methods of extracting or processing materials, stockpile, recycle, batch and mix concrete and asphalt plants, back process materials, other than that's green currently extracted. And they have told you that that's not their plan. And we hope that's true.

Fay commented that those concerns are given to Interstate through state law and not CIMPA.

Mr. Anderson disagreed with Fay. He commented they've been saying that they have no intention of expanding, and we think that's a good thing to be saying. Particularly the line that does explain that they can expand. The company can expand, increase production, change how they operate, for example, add recycling and mix concrete, and asphalt plants.

Mayor Wilson commented that they don't have the right to do an asphalt plant or ready-mix batch plant.

Fay explained that whether a CIMPA is granted, interstate law has those rights, that he just listed, under the vested rights statutes. They could withdraw their application right now, or deny it, or whatever, but if they're a vested rights holder, they would have the ability to do all those things under the new law.

Mayor Wilson added that Chase just explained they did not have the vested rights to put in an asphalt plant or a ready-mix plant, but they do have vested rights to extract sand, and gravel out of there.

Mr. Anderson continued to say that Interstate had put out a notice that recorded in a number of places, and basically it says they currently have operated for 30 years in parts of the gravel pit and connected there with extracts, estimated processes, and reprocesses, and then states the area where it's going to be. Since there are no limits on types of critical infrastructure material operations located on the property, and then it says there remain infrastructure materials on the property to support the critical infrastructure material operations of the clearing for a considerable period of time in the future. So, they're giving notice. This can be turned into an industrial operation.

Mayor Wilson asked what Mr. Anderson meant by industrial operation.

Mr. Anderson responded that Interstate has given notice to them through the use rights to expand, for example, to an asphalt or cement batch plant.

Fay Reber pointed out they do not have a vested right in asphalt or cement batch plants so that isn't something they will be doing.

Mr. Anderson stated that it says they can expand. So, they could do a plant on new property.

Fay disagreed that they cannot do anything they are not already doing for a vested right. He prepared a document that shows a side-by-side comparison. On the right-hand side is House Bill 355, amendments to the vested rights statute. He is talking about paragraph four with respect to the surface or sub-surface land that the critical infrastructure material operator owns or controls before May 7th, 2025, they can increase production or volume, all through the method of extraction or processing, including with respect to the vested use, the right to stockpile, hold and reserve, to recycle, to batch and mix concrete and asphalt. But the critical point is, it's not a vested use to do that, because it's not an existing use, the asphalt plant, concrete plant, is not an existing use.

Mayor Wilson added that is what he wanted to clear up. They cannot do asphalt or concrete batch plants because they don't have vested rights. Only if the city allows them to.

Mr. Anderson replied that the best way to resolve this is to get back to the agreement he was talking about. If that is put in writing that that's not what they're going to do, then we get past this issue. They're concerned, the client and the community, that this is going to be turned into an industrial location. He thought that's what's the concerns have been about, and so that's a good way to resolve it. There's a concern about how this has been represented in the community, and that is that this situation will not occur. And yet there's been meetings with the HOAs and other places where they've been explaining what they intended. They're not going to expand their use, and yet under the law, they do have the right to do it.

Mayor Wison said again under the state law they cannot do a batch plant.

Councilwoman wise commented she is glad Trail Ridge residents have come to meetings. As a council member she studies the topics and thinks she understands the issue but she apricates another point of view that she may have missed or not thought of. She had issues with the way Mr. Andersons presentation slide indicated Interstate was misleading the

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public. That Interstate has had meetings with the HOA and the city over this. That Interstate may be a bigger business but small in management numbers and this is costing them time and money. They are protecting their business. They have not been misleading the public.

Mr. Anderson replied that he is expressing the concerns that the community has and they aren't suggesting there is some kind of deception.

Councilwoman Wise disagreed. That their Facebook posts have been full of suggestions of deception. Her opinion was they need this protection so they can stay working, so that every five years they don't have to go through this same type of thing with more neighborhoods. Being on the city council, we really have to look at things in all aspects, from the business owner, they are our constituents just like private owners, homeowners, etc. We really need to look at all of this. She thought it needed to be kept in mind that this is time and money to them, and they've been very good about their outreach.

Mr. Anderson agreed with her. He felt the impact on the neighborhood has value also.

Mayor Wilson commented that the pit was there long before the houses and the city had never received complaints about the pit until the letters went out giving notice of the CIMPA. He asked where the damage to the neighbors is.

Mr. Anderson replied that the method of operation that they use. This is a long-term real estate development.

Mayor Wilson asked what was wrong with that.

Mr. Anderson replied that there is nothing wrong with it. What they're doing is they are inviting people to the pit. They're inviting people to come live in the subdivision. They build next to the pit, previously in the pit. This is a long-term residential real estate project. We talked about an agreement earlier with regard to the roads that go up into Toquerville. They laid out each of the different access points to this, when he speaks of the pit area, it's really to this real estate project area. These aren't access for trucks, for a gravel pit, because there's really four of them in key spots going into neighborhoods. Rather, they're connecting points for residential development. And so, to look at it from a different direction, they are inviting people to come to build next to or in their pit, because they're connected as a real estate project. the point is they sort of can't have it both ways. They can't get the protection of the CIMPA which basically says you can't complain about problems that would come about being next to the pit because you waive that complaint or at least it's more difficult to establish if you've got a CIMPA in place. And at the same time, they can usually use this CIMPA as a shield, but not as a sword to stop others who may have concerns.

Councilwoman wise commented that the Trail Ridge developer, when they were originally looking to develop, and they purchased land that borders a zone that allows for gravel extraction in that entire zone what did they expect. This should be on Trail Ridge, not on the gravel operation. The gravel operation was there previously, and so it would have been wise to have the Trail Ridge developer figure in a berm, a conservation area, et cetera, around the gravel pit to protect their neighborhood. And as far as the streets of access, Interstate Rock owns the property, they're developing the property, they make it very clear to all of their home buyers that there is a gravel pit operation. The problem would not be for interstate rock first time buyers as the area progresses and you have homes selling for a second or third time, that might get watered down, but that again, if you're kind of buying next to a commercial zone, you better be prepared for what goes into it. She didn't see that as something that should be on La Verkin or on Interstate rock.

Mayor Wilson gave an example in Hurricane, they have an industrial park by the golf course and when they built that, there were no homes there. Now there's homes all the way around it and people are beginning to complain about the industrial use in that park. But when they bought the house, they knew it was an industrial park. They knew that there was a steel building, a steel fabrication business there that made a lot of noise and stuff like that, and automotive business and a bunch of other businesses there, but yet they still build around it, and now once the people are there, they want to complain because it's an industrial park. That just doesn't hold water with me that if you knew when you bought the house what it was, why are you complaining?

Mr. Anderson commented they would disagree with that. The way that this area has developed to purchase property right on the area is really the slope next to the area where the town is located, and start this gravel pit, but knowing that you can't and expand it into a real estate project. This is a long-term real estate project. And to take the gravel materials and sell it out to third parties, be in a gravel operating business, that makes all the sense in the world. That's what they do. But also, once they go past that point where they start operating, and it's a large real estate project, then they should be subject to the control and the input and the oversight of the city.

Mayor Wilson commented that when they get to that point to develop, they won't have CIMPA protection when they change zoning to residential. But they haven't built homes in the pit. And when they get to that point of where they're going to develop into that pit area that they've extracted the gravel from, then yes, they will be subject to rezoning, and the city's regulations. They won't be able to do anything without permission from the city. He didn't see the point of their argument. They're in the business of developing and building homes as well, besides doing gravel.

Mr. Anderson replied that this is the first part of this project that's been going on for a while. And they can do all the extraction things and there's nothing wrong with that, with regard to the CIMPA, it sort of undermines the CIMPA concept, because that's designed to protect the mining operator, and they're not doing that. They're doing a residential development that happens to have a gravel pit.

Mayor Wilson commented basically, they're protecting themselves, from themselves. They're going to be protecting themselves from developing in their own pit. That doesn't make a whole lot of sense to me. Well, they're protecting themselves from claims that other people around them could have. Because the claims are going to be invalid, and even though you might want to sue them, you can sue anybody, but you'll lose, and that's just, whether they're simpler or not, you're still going to lose.

Mr. Anderson replied they cannot claim full protection and cite the Department of Code that talks about the nuisance, for example, if the operator itself is developing the residential roads property within or adjacent to the CIMPA. And they've done it. They have homes that have gone in. There's a space set aside for a school. They're adopting the public roadway. And that's what they're using it to their benefit. They've even agreed to put the roadways in. It shows that it's not a simple type of product, CIMPA wouldn't apply here, because they are putting all the elements of real estate development into place. For example, they put four phases of plats that have been filed. The law requires, since 2019, that they would put a notice on those plats. This is for property on the other side, not on the north side, but on the south side, that they would give notice to the landowners, that home buyers, that they are in this situation next to this pit. They did not do that. And our point is, there's nothing wrong with not doing that, except it indicates further that they are at the phase of developing real estate. They don't want to give that notice. Because with that notice, it does create issues with buyers.

Mayor Wilson commented It would be to their benefit to give that notice. They should give notice of the pit it would only help them.

Mr. Anderson agreed except if the intention of the applicant is to continue to develop as a real estate project, and then they probably wouldn't want to, and they didn't.

Mayor Wilson asked Chase to explain the notice they need to put on the plats.

Chase explained that requirement is only if you have the designation, the CIMPA designation, and or since May 7th, if you have a vested use called out. So, all the plots that were recorded before weren't a requirement. It wasn't anything that was supposed to be done on the plat until May 7th.

Fay explained that it was passed in 2019, and it should have been on the plats.

Chase commented that we don't have a vested mining use, we have a vested critical infrastructure.

Fay said he would read it again. He understood it differently. It doesn't do anything to the plats. Maybe a claim against them could happen with homeowners that didn't know the pit was there because they didn't put it in the plat.

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Mr. Anderson continued to say the CIMPA area sits for 20 years. And a lot can happen in that 20 years' time frame where they control, to some degree, what is determined regarding the development of that property. Depending on what your situation is with regards to transportation and different public safety issues and stuff. You may decide that you want different uses that relate to their property and so that you may lose those rights because you give them up to the protection.

Councilwoman Wise added that we did our general plan in 2018 finished 2019. We've done a comprehensive traffic study review several years ago. The transportation study is about 95% done. And signed up for an update to the general plan, which of course includes the transportation study that's just recently been completed. Even with the full build out of Cottonwood Hollow when it becomes all residential, other than the regional trail going through, there's not been any consideration of roads or anything going in. The worry about long-term development to a residential development from a gravel pit area would be a concern for us or a negative. Whether a CIMPA is approved or not. She believes the city is solid in our transportation plans.

Mr. Anderson explained that the road, highway 17 going through this area, and the bypass that's coming in from Tocqueville, is substantial. This is becoming a major and high-speed roadway that's coming through your town. That becomes, in their view, another critical health, safety, and welfare issue. Because when they look at the map, again, this is from the cities plan, and these are numbers in 2018, and they show a substantial increase. He didn't think they'd even calculated the level at which it's happening now because of the demands that are on it. In particular the road that he talked about earlier that is committed to go through. And that slide is just to show that it's a high-speed road. It's important that there be another roadway. La Verkin's Main Street extends up into Tocqueville, so there's another way of getting there. In the cities transportation analysis zone where the property is, where the sand and gravel operation are, there are roadway routes that are already designed inside the area of the route. And they go along the edge of the area that's part of the requested protection from the CIMPA. There are roads in this overlay that filter down to that area. Not that you're going to put them in, but you might. He referred back to the map with four different entries that are already preserved into that area, there is a road plan for this area. It is a real estate development project with roads. Their view again is that it's important that the city retain that. The intense traffic flow that you have, and this relates also to the situation in Toquerville, it's about 280 feet north of Zion Parkway that goes up into the Toquerville neighborhood, you have the Toquerville bypass coming in and so you've got a real congested point there. You have lots of traffic flowing all the way down. And most of it, at least a lot of it, going east towards Zion. But it's all coming through your town. There are other routes that need to go through here to give you safety and protection. And so that's for the city to regulate. The CIMPA takes away certain aspects of that control.

Councilwoman Wise explained they can't get the residential zone without city approval. If the CIMPA's in place but then they want to develop it, they're going to have to relinquish that control to the city if they want to do the real estate development of that. She thought the city is ok with that. She mentioned that the mayor, Darren, who is also with Washington County, Kyle, we've advocated for SR-17 to be widened. It's on the long-term plan with UDOT. That traffic congestion is going to be there. The applicant, being Interstate Rock, isn't going to be able to do residential development where the pit currently is without an agreement with the city, which would be whatever legal use there would be in turning back the CIMPA or whatever it might be.

Mayor Wilson added that they could maintain CIMPA and develop the property. They'd have to develop the property and give up the CIMPA rights on the areas that are going to be in. And they could still mine the gravel in the area that they're going to mine under the CIMPA. So, it would be to their advantage to give it up if they wanted to develop it.

Mr. Anderson comments that you're saying whoever the landowner is, you always have leverage over them because you're the city in negotiation. He suggested there's room to achieve all of this in the form of a normal long-term development agreement. The best way to find a resolution here is to enter into a development agreement that will address the greater development and planning issues for this area. Which is an attempt to give applicant protection from the city with no need for a CIMPA, but rather just give them the protection that they need in this agreement but bind them from expanding the gravel pit, because that's a concern the community has, and so they agree not to do it, then that takes care of that. The new legislation, regarding the Protection Act, tends to filter up and find a way for the legislature to continue to change. He thought the city would find that you have challenges with whoever the owner is of the pit over time if you don't retain the control that you have.

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Councilman Prince asked if this was the agreement Fay mentioned at the beginning of the meeting.

Fay replied it was, he had been talking a little bit beforehand to Tim about the possibility of stepping back a little bit from this kind of debate and trying to find a way to reach an agreement that takes care of the issues for the city, for Interstate Rock, for the folks out in Tocqueville. Today he came up with a quick draft of a proposed agreement as a starting point for discussions between all parties. He passed it out to Tim tonight. He hasn't had a chance to look at it. Chase has not had a chance to really look at it. After a day or so, once we've had a chance, hopefully, we can get together, we can talk about it. Maybe we can come to an agreement that would then obviate the need to continue down this path to doing the CIMPA.

Mr. Anderson added that would allow everybody that has concerns, they would probably go away and you won't have any doubts or concerns. If we go the CIMPA route, there will be concerns, even if it's the right thing, there will still be lots of concerns. And it seems like this can be resolved to a degree of various interests.

Fay asked if the mayor or council would have issues with him meeting with Mr. Anderson and Chase about an agreement.

The council agreed they would be fine with them meeting.

Mayor & Council Reports:

<u>Mayor Wilson</u>- Reported he would like to have a work meeting on the 18th at 5:00 to discuss mixed-use and live-work. Darren Prince and Micah wanted to talk about the possibility of ADU having short term rental. They also want a work meeting with planning commission.

<u>Blair Gubler</u>- Reported that solid waste will be meeting on Monday. They are having a ribbon cutting on the 6th, which is Friday, at 9 to 10 for their weigh station and their meeting place down there. And they wanted to invite everybody. It is an RSVP. Because they want to serve light refreshments.

<u>Wise-</u>. Reported on planning commissions meeting. The Zion Scenic Byway Corridor Management Plan Committee met. Our consultant is keeping us on a fast track, and they're going to be meeting with Senator Darren Owens and Representative Joe Elison to be the two state legislators who present the corridor management plan to the state legislature next year. The survey's done, the open houses went well, attendance is light. It's hard to get people to open houses, but La Verkin did really well

Micah Gubler-. Not in attendance.

Hirschi. - Reported that the fire district is doing great on their call times.

<u>Prince</u>-. Reported he spent some time with the noxious weed committee. We have some citizens who have some noxious weeds around the community, people just need to be cognizant. If you don't take care of your thistle and your nightshade. That can be a big problem. Those thistle seeds can stay 50 years in the ground. I think that's just something we need to be aware of.

Fay Reber- Nothing to report.

E. Citizen Comment & Request for Future Agenda Items:

Rich Bursette lives in the Riverwood area. He wanted the council to consider putting on the agenda something about the trail alignment through River Wood. He would like to have people look at and see where this is, because it's a great alternative. He doesn't want it to go through his yard. He wanted them to consider it before they dig up all the trees.

Mayor Kelly B. Wilson	
	Mayor Kelly B. Wilson

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Account Name. Parks EQUIPMENT OPERATIN O&M *FQUIPMENT OPERATIN O&M SYSTEMS MAINTENANC Irrigation EQUIPMENT OPERA Irrigation WATER MAIN REPAIR Drainage EQUIPMENT OPERA Drainage EQUIPMENT OPERA	Admin EQUIPMENT OPERATIN	O&M SYSTEMS MAINTENANC	Comm COMMUNITY DEVELOP	Health Savings Account	Building/Park Rental deposit	Admin UTILITIES	Streets EQUIPMENT OPERATIOEM O&M EQUIPMENT OPERATIN	Admin SYSTEMS MAINTENAN	Bidg B&G OPERATION AND M Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets STREET IMPROVEME Parks EQUIPMENT OPERATIN O&M EQUIPMENT OPERATIN O&M SYSTEMS MAINTENANC Drainage EQUIPMENT OPERA Drainage NEW SERVICES	Accounts Receivable	Rec MISCELLANEOUS SUPPLI	Inigation WATER MAIN REPAIR	Btdg B&G OPERATION AND M Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI STREET; IMPROVEME Parks EQUIPMENT OPERATIN O&M EQUIPMENT OPERATIN O&M SYSTEMS MAINTENANC Intigation EQUIPMENT OPERA Intigation WATER MAIN REPAIR
Account No. 104510.250 516340.250 516340.450 536310.250 536310.450 556350.250 556350.250	104140.250	516340.450	104620.610	102224	102331	104140.280	104410.250 516340.250	516660.450	104160.270 104240.250 104410.250 104510.250 516340.250 516340.450 556350.250	511311	104540.990	536310.450	104160.270 104240.250 104410.250 104410.250 104510.250 516340.250 536310.250 536310.250
Amount 22.53 22.53 371.82 135.21 67.60 67.60 67.60	\$500.00	\$1,136.93 1,136.93	\$500.00	\$240.00	\$400.00	\$21.45	\$4,600.00 2,600.00 2,000.00	\$225.00 225.00	\$550.00 11.00 27.50 27.50 198.00 27.50 132.00 44.00 55.00	\$110.92	\$20,975.28 20,975.28	\$76.97 76.97	3.50 0.78 0.78 0.78 0.78 12.87 12.87 2.34 2.34 2.34 2.34 3.51
Due Date	6/1/2025	6/11/2025	6/3/2025	6/3/2025	6/7/2025	6/1/2025	6/11/2025	6/1/2025	6/11/2025	6/5/2025	6/9/2025	6/3/2025	6/9/2025
Ledger Date	6/1/2025	6/11/2025	6/3/2025	6/3/2025	6/7/2025	6/1/2025	6/11/2025	6/1/2025	6/11/2025	6/5/2025	6/9/2025	6/3/2025	6/9/2025
Check No.	53843	53864	53865		53892	53866	53891	53867	53868	53869	53870	53871	53871
Invoice No. Vendor	GUBLER, KYLE W	H&E Equipment Services, Inc.	HALL, MEGAN	Health Equity	Horta, Daniel	HURRICANE CITY POWER	HURRICANE VALLEY WINDOW TINT	Intermountain WorkMed	JENSEN LOCKSMITHING	Lee, Hanah	Moto United of St. George	NAPA AUTO PARTS	NAPA AUTO PARTS
Invoice No.	R10601252	900417722 PO# 5951	053025 PO# 5931	PR053025-6099	060725	0625	1011 PO# 5953	SG3614161	6126 PO# 5947	Refund: 1000416	060525 PO# 5943	925498	925960

Invoice No.	Vendor	Check No.	Ledger Date	Due Date		Account No.	Account Name.	Description
						556350.250 556350.440	Drainage EQUIPMENT OPERA Drainage NEW SERVICES	Equipment repairs and Fuel Equipment repairs and Fuel
926052	NAPA AUTO PARTS	53871	6/5/2025	6/5/2025	\$82.12			
					1.65 1.64	104160.270 104240.250	Bidg B&G OPERATION AND M Inspect EQUIPMENT OPERATI	Sweeper Equipment repairs and Fuel
					7.39	104410.250	Streets EQUIPMENT OPERATI	Equipment repairs and Fuel
					9.85 1.64	104410.745 104510 250	Streets STREET IMPROVEME Parks FOLIPMENT OPERATIN	Equipment repairs and Fuel
					27.10	516340.250	O&M EQUIPMENT OPERATIN	Equipment repairs and Fuel
					9.85	516340.450	O&M SYSTEMS MAINTENANC	Equipment repairs and Fuel
					4. 69. 60.	536310.250	Irrigation EQUIPMENT OPERA	Equipment repairs and Fuel
					8.21 8.21	556350.250	Drainage EQUIPMENT OPERA	Equipment repairs and Fuel Equipment repairs and Fuel
					4.93	556350.440	Drainage NEW SERVICES	Equipment repairs and Fuel
926681	NAPA AUTO PARTS	53871	6/10/2025	6/10/2025	\$56.95	CEC 007101	M GIAN MOLENDADO CON	4 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
					1,13	104160.270	Bldg B&G OPERATION AND M	Valvoline and Tunnel
					5.13	104410.250	Streets EQUIPMENT OPERATI	Equipment repairs and Fuel
					6.83	104410.745	Streets STREET IMPROVEME	Equipment repairs and Fuel
					1.14	104510.250 516340.250	D&M EQUIPMENT OPERATIN	Equipment repairs and Fire
					6.83	516340.450	O&M SYSTEMS MAINTENANC	Equipment repairs and Fuel
					3.42	536310.250	Imgation EQUIPMENT OPERA	
					3.42	536310.450	Imgation WALER MAIN REPAIR	Equipment repairs and Fuel Equipment repairs and Fuel
					3.42	556350.440	Drainage Eduirment Orthon Drainage NEW SERVICES	Equipment repairs and Fuel
926694	NAPA AUTO PARTS	53871	6/10/2025	6/10/2025	\$38.97	0000		
					0.78	104160.270 104240 250	BIGG B&G OFERATION AND IN	Dexionviate Fortinment repairs and Ettel
					3.5	104410.250	Streets EQUIPMENT OPERATI	Equipment repairs and Fuel
					4.68	104410.745	Streets STREET IMPROVEME	Equipment repairs and Fuel
		-			0.78 12.88	104510.250 546340.250	Parks EQUIPMENT OPERATIN	Equipment renaire and Engl
		-			7.00 4.68	516340.450	ORM SYSTEMS MAINTENANC	Equipment repairs and Fuel Equipment repairs and Fuel
					2.34	536310.250	Irrigation EQUIPMENT OPERA	Equipment repairs and Fuel
					2.34	536310.450	Irrigation WATER MAIN REPAIR	Equipment repairs and Fuel
					3.90 3.4	556350,250 556350,440	Drainage EQUIPMENT OPERA Drainage NEW SERVICES	Equipment repairs and Fuel Equipment repairs and Fuel
	Vendor Total:				\$294.02		b	
250701	Pelorus Methods, Inc.	53872	6/1/2025	6/1/2025	\$2,700.00	L 200		d d
					550.00	104140.315 104210.315	Police COMPUTER EQUIPMEN	Software and support Software and support
					550.00	516660.315	Admin SOFTWARE OR INFOR	Software and support
					275.00	556350.315	Drainage SOFTWARE & COMP	Software and support
56171 PO# 5948	PRECISION POWER, INC	53873	6/11/2025	6/11/2025	\$567.85 567.85	516340.450	O&M SYSTEMS MAINTENANC	Maintenance of generator for lo
717259 PO# 5945	PRO FORCE	53874	6/9/2025	6/9/2025	\$6,718.50	104210.250	Police EQUIPMENT OPERATIN	Parol Firearms
723230	PRO FORCE	53874	6/10/2025	6/10/2025	\$16.87			
	Vendor Total:				15.8/ \$6,735.37	104210.240	Police Office Expense, sor	rirealli accessolites
R10601253	REBER, FAY E	ACH.0603250928.11017	6/1/2025	6/1/2025	\$11,000.00			
				i.	11,000.00 Page 4	104140.311	Admin ATTORNEY	
					,			

Invoice Register: 5/30/2025 to 6/11/2025 - All Invoices La Verkin City

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Description	84 W 500 N park	Falcon Rotor Part and Maxi Paw	Meter Modules	Counting and male adapter		Eustinigs and grip joint couping	Coupling and ree rvc		Bushings Equipment repairs and Fuel	Equipment repairs and Fuel Fourtiment repairs and Fuel		Equipment repairs and Fuel	Equipment repairs and Fuel	Equipment repairs and Fuel	Equipment repairs and Fuel Equipment repairs and Fuel		Vac Truck	Equipment repairs and Fuel	Equipment repairs and Fuel Forinment repairs and Fuel			Equipment repairs and Fuel Equipment repairs and Fuel	Equipment repairs and Fuel	Equipment repairs and Fuel	Equipment repairs and Fuel	Wanless Park		Tape Equipment repairs and Fuel	Equipment repairs and Fuel Equipment repairs and Fuel					
Account Name.	Parks UTILITIES	Parks EQUIPMENT OPERATIN	O&M SYSTEMS MAINTENANC		OWN SYSTEMS MAINTENIANS	Description WATED MAIN DEDAID	Impation WATER MAIN REPAIR			Streets EQUIPMENT OPERATI Streets STREET IMPROVEME		O&M EQUIPMENT OPERATIN	Irrigation EQUIPMENT OPERA	Irrigation WATER MAIN REPAIR	Drainage EQUIPMENT OPERA Drainage NEW SERVICES	3	BIdg B&G OPERATION AND M		Streets EQUIPMENI OPERALI Streets STREET IMPROVEME	Parks EQUIPMENT OPERATIN	O&M EQUIPMENT OPERATIN	O&M SYSTEMS MAINTENANC Industrial COLUMNIA OPERA	Imgation WATER MAIN REPAIR	Drainage EQUIPMENT OPERA	Drainage NEW SERVICES	O&M SYSTEMS MAINTENANC		BIGG B&G OPERATION AND M	Streets EQUIPMENT OPERATI	Streets STREET IMPROVEME	Parks EQUIPMENT OPERATIN	O&M SYSTEMS MAINTENANC	Irrigation EQUIPMENT OPERA	Imgation vvalek main kepalk Drainage EQUIPMENT OPERA
Account No.	104510.280	104510.250	516340,450	536310.450	518340 450	526340.450	536310.450		104160.270 104240.250	104410.250 104410.745	104510.250	516340.250	536310.250	536310.450	556350.250 556350.440		104160.270	104240.250	104410.250 104410.745	104510.250	516340.250	516340.450 536340.250	536310.450	556350,250	556350.440	516340.450		104160.270	104410.250	104410.745	104510,250 516340,250	516340.450	536310.250	536310.450 556350.250
Amount	27.11	\$326.92	\$917.43	\$1.07	\$80.96	\$45.31	\$117.48	\$60.03	1.22	5.40 7.20	1.20	19.81	3.60	3.60	6.00 3.60	\$67.20	1.36	¥ 5	6.05 8.05	1.34	22.18	8.08 9.08		6.72	4.03	45.08 5.69	\$9.87	0.20	0.89	1.18	3.26	1.18	0.59	0.59
Date	6707/6/9	6/2/2025	6/9/2025	6/3/2025	6/4/2025	6/5/2025	6/5/2025	6/10/2025								6/10/2025									0.00	67.10/2025	6/11/2025							
Ledger Date	6/5/2025	6/2/2025	6/9/2025	6/3/2025	6/4/2025	6/5/2025	6/5/2025	6/10/2025								6/10/2025										6/10/2025	6/11/2025							
Check No.	0/980	53848	53877	53877	53877	53877	53877	53877								53877										238//								
Vendor	ACCAL MOON AIN POWER	SCHOLZEN PRODUCTS CO INC	SCHOLZEN PRODUCTS CO INC	SCHOLZEN PRODUCTS CO INC	SCHOLZEN PRODUCTS CO INC	SCHOLZEN PRODUCTS CO INC	SCHOLZEN PRODUCTS CO INC	SCHOLZEN PRODUCTS CO INC								SCHOLZEN PRODUCTS CO INC										SCHOLZEN PRODUCTS CO INC	SCHOLZEN PRODUCTS CO INC							
Invoice No.	0124-0023	6914301	6914437 PO# 5935	6914725	6915074	6915420	6915532	6916314								6916426										6916523	6916859							

	[en	from yell			Fuel Fuel	nel roel	<u>e</u> e e	rinking w	isition		isition										*
Description	Equipment repairs and Fuel	Repaint hydrant meters from yell			Equipment and gas Equipment repairs and Fue	Equipment repairs and Fuel Fault repairs and Fuel Fuel Fault repairs and Fuel Fuel Fuel Fuel Fuel Fuel Fuel Fuel	Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel	Bacterial Analysis for drinking w	Zion Corridor Trail Acquisition	Website / Social media	Zion Corridor Trail Acquisition	Scada Installaion		665 55	Diamond C Tilt Trailer	Enclosed trailer			JE EXPENSE, S EXPENSE SUP Nvion under belt	Property Endorsement	Worker's comp
Account Name.	Drainage NEW SERVICES	O&M SYSTEMS MAINTENANC	Admin UTILITIES Admin UTILITIES Drainage EQUIPMENT OPERA	,	Bidg B&G OPERATION AND M Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI	Streets STREET IMPROVEME Parks EQUIPMENT OPERATIN ORM EQUIPMENT OPERATIN ORM SYSTEMS MAINTENAND	Drainage EQUIPMENT OPERA Drainage NEW SERVICES	Admin CONTRACTED SERVIC	Parks Trails	Rec PART TIME EMPLOYEES	Parks Trails	O&M SYSTEMS MAINTENANC		Admin COMPUTER EQUIPME Police COMPUTER EQUIPMEN Admin SOFTWARE OR INFOR IrrigationCOMPUTER EQUIPM Drainage SOFTWARE & COMP	Streets EQUIPMENT OPERATI	Streets EQUIPMENT OPERATI		Admin OFFICE EXPENSE, SUP Admin OFFICE EXPENSE, SUP Irrigation OFFICE EXPENSE, S	Drainage OFFICE EXPENSE, S	Admin INSURANCE	Workers Comp Clearing
Account No.	556350.440	516340.450	104140.280 51660.280 556350.250		104160.270 104240.250 104410.250	104410.745 104510.250 516340.250 516340.450	556350.250 556350.440	516660.460	104510.415	104540.120	104510.415	516340.450	,	104140.315 104210.315 516660.315 536310.315 556350.315	104410.250	104410.250		-	556350.240	104140 510	101564
Amount	0.59 \$1,631.96	\$450.00 450.00	\$39.95 28.76 9.99 1.20	\$808.20	16.16 40.41 40.41	290.95 40.41 193.97 64.66	80.82 40.41	\$125.00 125.00	\$8,238.19 8,238.19	\$400.00	\$9,931.52 9,931.52	\$11,709.10	\$1,973.90	592.17 592.17 473.74 157.91 157.91	\$15,224.40	\$7,062.40	\$22,286.80	\$717.32 380.18 215.20 35.86	\$6.08 \$29.69 29.69	\$33.87	\$2,242.64 2,242.64
Due Date		6/11/2025	6/9/2025	6/2/2025				6/2/2025	6/9/2025	6/1/2025	6/9/2025	6/11/2025	6/1/2025		6/11/2025	6/11/2025		6/2/2025	6/9/2025	6/3/2025	6/3/2025
Ledger <u>Date</u>		6/11/2025	6/9/2025	6/2/2025				6/2/2025	6/9/2025	6/1/2025	6/9/2025	6/11/2025	6/1/2025		6/11/2025	6/11/2025		6/2/2025	6/9/2025	6/3/2025	6/3/2025
Check No.		53878	53879	53849				53880	53881	53850	53882	53883	53884				٠	53826	53885	61225	61225
Vendor	Vendor Total:	Sheer, Shane	Shred St. George	Southern Tire Mart				Southwest Utah Public Health Departme	Spendlove Family Trust	STEGLICH, RYKER	Stratton, Beau	TECH FOR INDUSRTY LLC	Tech Legion		Trailer Source	Trailer Source	Vendor Total:	U.S. POSTAL SERVICE	Uniform Center	UTAH LOCAL GOVERNMENT TRUST	UTAH LOCAL GOVERNMENT TRUST
Invoice No.		062025	53584060925	6260066641	PO# 5925			408226	062025 PO# 5941	R10601254	0625 PO# 5940	000901 PO# 5949	9629		280804 PO# 5957	280805 PO# 5956		060225	172848-1	M1619372	M1619373

Description	401k Retirement 457 Roth IRA 457 Loen	State Income Tax	State Income Tax	Initial Deposit for Security Came	Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel	Equipment repairs and Fuel	Jan 25-March 25 Child Forensic	Excess Water Conservation Sur	Water developmemnt surcharge	Residential connections		Dump truck engine repair	Towing for street project	Costco, vac. cleaner	Employee Recognition	Annual Treasurer Membership	HDMI splitter
Name.	Retirement Payable Retirement Payable Retirement Payable Retirement Payable Retirement Payable Retirement Payable			COMMUNITY DEVELOP IN	Bidg B&G OPERATION AND M En Inspect EQUIPMENT OPERATI ES Streets EQUIPMENT OPERATI ES Streets ETREET INDROVEME	COUPMENT OPERATIN COUPMENT OPERATIN SYSTEMS MAINTENANC IN EQUIPMENT OPERA IN WATER MAIN REPAIR IN EQUIPMENT OPERA IN ENEW SERVICES	Q	Admin WCWCD Excess surchar E	Admin PRODUCT OR SERVIC W	Admin CONNECTION COSTS R4	Admin ATTORNEY	Streets VEHICLE MAINTENAN DI	Streets STREET IMPROVEME To	Admin OFFICE EXPENSE, SUP Co	Admin OFFICE EXPENSE, SUP Er	Admin BOOKS, SUBCRIPTION A	Police OFFICE EXPENSE, SUP HI
Account No.	102223 102223 102223 102223 102223	102222	102222	104620.610	104160.270 104240.250 104410.250	104510.250 516340.250 516340.450 536310.250 536310.250 556350.250 556350.440	104210.410	516660.260	516660.410	516660.440	104140.311	104410.450	104410.745	104140.240	104140.240	104140.210	104210.240
Amount \$2,276.51	\$13,798.51 788.26 11,293.06 928.90 614.00	\$2,375.96	\$50.00 50.00 \$2,425.96	\$17,689.92	\$15.92 0.31 0.32 1.43	0.32 5.25 6.96 0.96 0.96 0.96	\$90.00	\$886.35 886.35	\$3,241.86 3,241.86	\$7,695.91 7,695.91 \$11,824.12	\$1,500.00 1,500.00	\$20,000.00	\$553.00 553.00	\$298.89 298.89	\$27.76 27.76	\$75.00 75.00	\$15.79 15.79
Due <u>Date</u>	6/3/2025	6/3/2025	6/3/2025	6/11/2025	5/31/2025		6/3/2025	5/31/2025.	5/31/2025	5/31/2025	6/1/2025	6/6/2025	6/9/2025	6/2/2025	6/3/2025	6/2/2025	6/2/2025
Ledger <u>Dafe</u>	6/3/2025	6/3/2025	6/3/2025	6/11/2025	5/31/2025		6/3/2025	5/31/2025	5/31/2025	5/31/2025	6/1/2025	6/6/2025	6/9/2025	6/2/2025	6/3/2025	6/2/2025	6/2/2025
Check No.	60326			53886	53852		53887	53888	53888	53888	50928.7220	53889	53890				
<u>Vendor</u> Vendor Total:	UTAH RETIREMENT SYSTEMS	Utah State Tax Commission	Utah State Tax Commission Vendor Total:	VLCM	WASHINGTON CO SOLID WASTE		WASHINGTON COUNTY TREASURER	WCWCD	WCWCD	WCWCD Vendor Total:	Weeks, James ACH.0603250928.7220	WESTBROOK DIESEL REPAIR	Winterton Automotive Towing	ZIONS FIRST NATIONAL BANK CC			
Invoice No.	PR053025-501	PR053025-449	PR053125-449	VLCM-4112 PO# 5933	674		Child FIS 145	54280	54288	54296	RI0601255	4457 PO# 5936	25-0528-31724 PO# 5938	002595	003756 PO# 5927	060225	1712206

	Description	Stake chaser ground marking w		Managers Lunch		Social Security Tax Medicare Tax Federal Income Tax	Social Security Tax Medicare Tax Federal Income Tax		s a
:	Account Name.	O&M SYSTEMS MAINTENANC	Police OFFICE EXPENSE, SUP	Admin TRAVEL & TRAINING	Bidg B&G OPERATION AND M Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets STREET IMPROVEME Parks EQUIPMENT OPERATIN O&M EQUIPMENT OPERATIN O&M SYSTEMS MAINTOPERA Irrigation WATER MAIN REPAIR Drainage EQUIPMENT OPERA Drainage NEW SERVICES	FICA & FWT Witholding FICA & FWT Witholding FICA & FWT Witholding	FICA & FV/T Witholding FICA & FV/T Witholding FICA & FV/T Witholding	•	GL Account Summacy PEHP/AFLAC Insurance Clearin Workers Comp Clearing FICA & FWT Witholding State Witholding State Witholding Retirement Payable Health Savings Account Building/Park Rental deposit Admin BOOKS, SUBCRIPTION Admin OFFICE EXPENSE, SUP Admin TRAVEL & TRAINING Admin OFFICE EXPENSE, SUP Admin COUPINENT OPERATIN Admin COMPUTER EQUIPME Admin NSURANCE BIGB & OPERATION AND M Police OFFICE EXPENSE, SUP Police EQUIPMENT OPERATIN Police DAT/INVESTIGATION/DI Inspect EQUIPMENT OPERATIN Police DAT/INVESTIGATION/DI Inspect EQUIPMENT OPERATIN Animal EQUIPMENT OPERATIN
	Account No.	516340.450	104210.240	104140.230	104160.270 104240.250 104410.250 104410.250 104510.250 516340.250 516340.450 536310.450 556350.250 556350.440	102221 102221 102221	102221 102221 102221		101562 101564 102221 102221 102223 102223 102223 104140.240 104140.240 104140.250 104140.311 104140.315 104140.315 104210.240 104210.250 104210.250 104210.315
	Amount	\$55.28 55.28	\$20.00	\$19.61 19.61	\$82.00 1.64 1.64 1.64 1.64 27.36 9.84 4.92 4.92 4.92 4.92 4.92 4.92 4.92 4.9	\$14,253.40 7,204.54 1,684.96 5,363.90	\$608.30 448.44 104.86 55.00	\$14,861.70	\$423,877.57 97.74 2,242.64 14,861.70 2,425.96 13,798.51 240.00 400.00 75.00 19.61 706.83 500.00 1,642.17 33.87 61.08 82.35 8,354.53 1,142.17 90.00
	Due <u>Date</u>	6/4/2025	6/2/2025	6/3/2025	6/10/2025	6/3/2025	6/3/2025		
	Ledger Date	6/4/2025	6/2/2025	6/3/2025	6/10/2025	6/3/2025	6/3/2025		Total:
	Check No.					60325	60325		Ë
	Vendor	ZIONS FIRST NATIONAL BANK CC	ZIONS FIRST NATIONAL BANK CC	ZIONS FIRST NATIONAL BANK CC	ZIONS FIRST NATIONAL BANK CC	ZIONS FIRST NATIONAL BANK.	ZIONS FIRST NATIONAL BANK.	Vendor Total:	
	Invoice No.	4033046	584919	59274 PO# 5928	8023	PR053025-234	PR053125-234		

Invoice No.

Description			
Account Name. Streets VEHICLE MAINTENAN Streets SCHICLE MAINTENAN Streets STREET IMPROVEME Parks EQUIPMENT OPERATIN Parks UTILITIES Parks Trails Rec PART TIME EMPLOYEES Rec MISCELLANEOUS SUPPLI Comm COMMUNITY DEVELOP	Accounts Receivable Turn on FeerRenter Deposit O&M EQUIPMENT OPERATIN O&M SYSTEMS MAINTENANC Admin OFFICE EXPENSE, SUP Admin WCWCD Excess surchar Admin SOFTWARE OR INFOR Admin SOFTWARE OR INFOR Admin SOFTWARE OR SERVIC Admin SYSTEMS MAINTENAN Admin CONNECTION COSTS Admin CONTRACTED SERVIC Total	Sewer PAYMENT TO ASH CRE Inigation OFFICE EXPENSE, S irrigation EQUIPMENT OPERA IrrigationCOMPUTER EQUIPM irrigation WATER MAIN REPAIR Total	Drainage OFFICE EXPENSE, S Drainage EQUIPMENT OPERA Drainage SOFTWARE & COMP Drainage NEW SERVICES Total GL Account Summary Total
Account Name, Streets VEHICLI Streets STREET Streets STREET Parks EQUIPME Parks UTILITIES Parks UTILITIES Parks Trails Rec PART TIME Rec MISCELLA Comm COMMU	Accounts Receivable Tum on FeeRenter E O&M EQUIPMENT (O&M SYSTEMS MA Admin OFFICE EXP Admin WCWCD Exo Admin SOFTWARE Admin PRODUCT O Admin PRODUCT O Admin CONNECTION Admin CONNECTION Admin CONNECTION Admin CONTRACTE Total	Sewer PAYMi Irrigation OFF Irrigation EQI IrrigationCOM Irrigation WAT	Drainage OFFICE EXPEN Drainage EQUIPMENT OF Drainage NEW SERVICES Total GL Account Summary Tot
Account No. 104410.450 104410.740 104410.745 104510.250 104510.280 104510.415 104540.120 1046240.120	511311 51230 516340.250 516340.450 516660.240 516660.280 516660.410 516660.440 516660.450	526260.520 536310.240 536310.250 536310.315 536310.450	556350.240 556350.250 556350.315 556350.440
Amount 20,000.00 76,584.70 65,407.20 437.55 27.11 18,169.71 2,400.00 20,975.28 18,189.92	110.92 331.83 2,884.27 15,305.58 215.20 886.35 986.35 91.36 1,023.74 3,241.86 7,695.91 225.00 225.00 32,246.02	72,630.45 35.86 101.50 432.91 342.33	86.08 315.98 432.91 169.41 1,004.38
Date Date			<i>o</i>
Ledger k.No. Date			
Check No.			
Vendor			

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Criteria for Evaluating Proposal for a CIMPA

The County Advisory Board has submitted its report and recommendation, a copy of which is attached, regarding Interstate Rock's request for approval of a Critical Infrastructure Materials Protection Area (CIMPA). This report and recommendation will be on the agenda of the next city council meeting on June 18, 2025 for review and discussion. Also on that same meeting agenda for review and discussion will be the report and recommendation from the Planning Commission, which will not be finalized until June 17, 2025.

Before making a final determination, the city council will need to hold a public hearing, provide notice of the date, time and place of a public hearing on the matter. That public hearing is tentatively set for July 16, 2025. At the public hearing, the city council will continue its review of the recommendations and also receive input from the public. Following the public hearing, the city council will then make a final determination as to whether the CIMPA should be approved, approved with changes, or rejected.

In order to withstand any challenge in court, any decision made by the City Council must be "reasonably debatable" and not "arbitrary, capricious or illegal" as determined from all relevant information contained in the record/minutes of our meetings. What that means in practical terms is that city council members should begin building a good record by having discussions that center on each of the following points. After all discussion is completed, both pro and con, a motion to approve, approve with modifications, or reject the application, together with "findings" supporting the motion, should be articulated and made a part of the record.

Here are the 5 criteria, or points, as set forth in the Utah Code, that the city council should discuss in making its final determination:

- 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.

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Critical Infrastructure Materials Protection Areas

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

17-41-301(b): creation of CIMPA is a legislative act

17-41-304(3): City Council can approve, modify and approve, or deny application

17-41-304: 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

17-41-304: City Council must approve, modify and approve, or deny application for CIMPA within 120 days after receipt of application (4/4/25)

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:

- 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

17-41-402,403 and 405: 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

Vested Critical Infrastructure Materials Use

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

10-9a-901(8): To qualify as a vested critical infrastructure materials use, the use must be an "existing legal use."

10-9a-903: Rights granted to critical infrastructure material operators with respect to vested critical infrastructure materials uses, regardless of whether a CIMPA is approved or not, 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, chlarge, 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

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

- 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:

"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."

*Note that a concrete batch plant or asphalt plant are not vested uses because they are not an "existing legal use"

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

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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).

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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.

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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:

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- 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 Kem 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,

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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.

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 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.

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- 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-3-1-133420, 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:

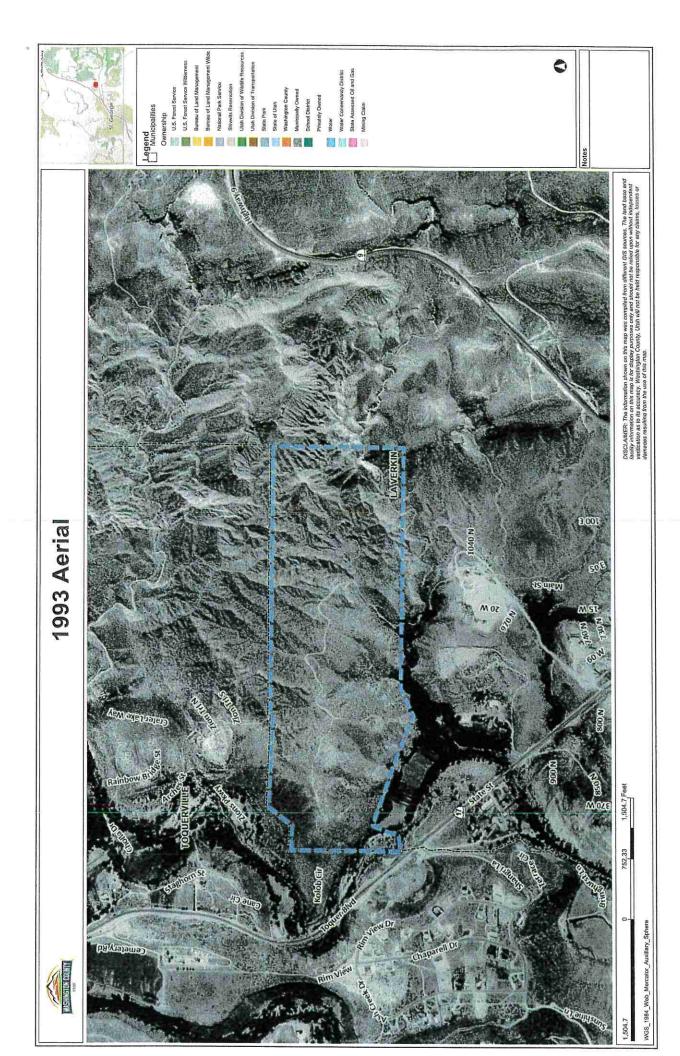
Victor Iverson Chair, Washington County Advisory Board June 10, 2025

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ATTACHMENTS

EX A – Historical Maps 1993 and 2004
EX B – La Verkin City Council Resolution Annexing Property
EX C - CIMPA Recommended Property Boundary

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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 Pont 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.

February, 2003.	•	
	Tom Stocks, Mayor	
Attest:	Tom Stocks, Wayor	
Attest.		
Debi Groves, City Recorder		

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A RESOLUTION OF THE CITY COUNCIL OF LAVERKIN, UTAH, REGULATING THE USE OF FIRE AND FIREWORKS WITHIN THE CITY OF LAVERKIN.

WHEREAS the City of LaVerkin and surrounding areas have received sufficient precipitation over the past 8 months that has resulted in an increase in vegetation and the potential for fire; and

WHEREAS weather conditions in the City of LaVerkin and other areas of Washington County are historically hot and dry during the summer months; and

WHEREAS the City of LaVerkin and the surrounding areas of Washington County will soon be under threat of wildfires which will continue through the end of the fire season; and

WHEREAS certain actions such as the improper use of fireworks under hot and dry conditions significantly increases the potential for fire;

WHEREAS the City of LaVerkin, in consultation with Hurricane Valley Fire District and in conjunction with the State of Utah Department of Natural Resources, has determined that hazardous environmental conditions exist within LaVerkin that necessitate controlling the use of fireworks due to hot and dry conditions and the presence of dry weeds and other vegetation which has increased the risk and danger of fire; and

WHEREAS the City Council of LaVerkin, Utah finds that it is in the best interests of the residents of the City of LaVerkin that the dangers and potential damage and/or injury associated with such fires be minimized by the exercise of caution, advance planning, and appropriate and lawful regulatory action calculated to reduce the threat of such potential dangers and harm; and

WHEREAS Section 4-9-3, LaVerkin City Code, authorizes the City Council to declare firework restrictions in stages.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of LaVerkin, Utah as follows:

- 1. That the City of LaVerkin is declared to be under and subject to Stage Two fireworks restrictions until further notice.
- 2. That, pursuant to and in accordance with the provisions of Section 4-9-3.B.3.b, *LaVerkin City Code*, the use of fireworks by persons other than the City:
- (a) shall be limited to the following sites or locations:
 - (i) all City-owned park property in the area of Wanlass Park and Vintage Park [i.e., all City-owned park lands situated in the area extending from Main Street on the

east to State Street (SR-9) on the west, and from 300 North Street on the south to 500 North Street (SR-9) on the north; and all City-owned park lands bounded by the roadways known as 380 West, 635 North, and 300 West]; and

(ii) all city (public) streets within the City limits and located more than 100 feet from any hillside surrounding the inhabited area of the City; and

(b) shall only occur:

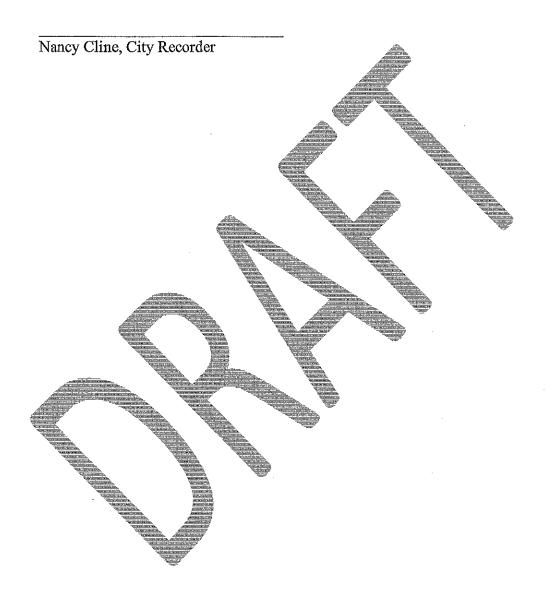
- (i) between the hours of 11:00 a.m. (morning) and 12:00 a.m. (midnight, that evening), on July 4 and on July 24; and
- (ii) between the hours of 11:00 a.m. (morning) and 11:00 p.m. (that evening), on the following dates: July 2, 3, and 5, and July 22, 23, and 25; and
- (iii) between the hours of 11:00 a.m. (morning) on December 31, 2025, and 1:00 a.m. (early morning) on January 1, 2026, and
- (iv) between the hours of 11:00 a.m. (morning) on February 9, 2026 (the eve of the Chinese New Year) and 1:00 a.m. (early morning) of February 10, 2026 (the day of the Chinese New Year).
- 3. That any use of fireworks at the times and places specified above shall be done in a reasonable, safe, prudent and non-negligent manner, with due regard for the safety of others and their property; and shall, except as specifically set forth herein, not violate City park curfews; shall conform to, and be in accordance with, all applicable State and local laws and ordinances, including but not limited Title 4, Chapter 9, LaVerkin City Code;
- 4. That this Resolution shall be in effect until modified, revoked, or otherwise terminated by resolution of the City Council, and in no event beyond February 29, 2026, provided that if an urgent or emergency condition hereafter arises which justifies a further restriction or the prohibition of fireworks within the City, the Mayor may, upon notice to the public (via the City's website and the posting in at least three public locations throughout the City, including the City Offices), issue a temporary Mayor's Proclamation that will immediately be in force until the next scheduled City Council meeting.

BE IT FURTHER RESOLVED that this Resolution shall supersede all prior or inconsistent resolutions, rules or regulations pertaining to the subject matter hereof, and that this Resolution shall take effect immediately upon approval and passage.

PASSED AND APPROVED this	day	of June	2025.
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Kelly Wilson, Mayor

Attest:



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City of La Verkin

435 North Main St., La Verkin Utah, 84745 (435) 635-2581 Fax (435) 635-2104

RESOLUTION R-2025-08 A RESOLUTION SETTING THE CERTIFIED TAX RATE FOR LA VERKIN CITY FOR FISCAL YEAR BEGINNING JULY 1, 2024

WHEREAS La Verkin City is required to establish the certified tax rate for various municipal purposes, pursuant to 10-6-133, Utah Code Anno. (1953 as amended); and

WHEREAS the City Council of La Verkin City desires to establish the certified tax rate for fiscal year beginning July 1, 2025.

THEREFORE, it is hereby resolved by the City Council of La Verkin City, Utah that:

The certified tax rate for real and personal property is hereby set at .000877 as proposed by the Washington County Auditor for the fiscal year beginning July 1, 2025.

PASSED and adopted this 18th day of June 2025

LAVERKIN CITY

KELLY B. WILSON, Mayor

ATTEST:

NANCY CLINE City Recorder

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Utah State Tax Commission - Property Tax Division Tax Rate Summary (693)

ENTITY: 3050 LA VERKIN CITY

Form PT-693

Rev. 2/15

WASHINGTON COUNTY

Tax Year:

2025

The Board of Trustees for the above special district has set the current year's tax rates as follows:

Purpose of Tax Rate (Code from Utah Code Annotated)	Auditor's Tax Rate	Proposed Tax Rate	Maximum By Law	Budgeted Revenue
10 General Operations §11-6-133	0.000877	0.000877	.007	452,606
Total Tax Rate	0.000877	0.000877	otal Revenue	\$452,606

Certification by Taxing Entity	The first of the second of the
1, KYLE GUBLER , as	authorized agent, hereby certify that this statement is true and
, ,,	Utah State Code relating to the tax rate setting process.
Signature: Kyle Hull	Date: 6/9/2025
Title: CITY ADMINISTRATUR	Telephone: 435-635-2581
Mailing address: 435 North MAIN	STREET - LAVERKIN, UT 84745

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EXHIBIT A

STATEMENT OF WORK

This Statement of Work ("SOW") will be effective as of the last date of signature below, and upon execution will be incorporated into the Master Services Agreement between Deckard Technologies, Inc. and the City of La Verkin dated [EFFECTIVE DATE OF MASTER SERVICES AGREEMENT] (the "Master Agreement"). Capitalized terms used in this SOW will have the same meaning as set forth in the Agreement.

- 1. Short Term Rental Service. Client desires to engage Deckard to use the Rentalscape Platform to prepare real estate property data for short-term rentals ("STRs") on all identifiable properties within the City of: <u>La Verkin</u> in the State of <u>Utah</u> based upon publicly available data and such other data relevant to the Designated Geography to be provided to the client by Deckard (reports accessible from Rentalscape). The Reports shall include at a minimum:
- 1.1. Information on STRs currently active in the Designated Geography;
- **1.2.** The aggregate revenue from actively listed bookings;
- **1.3.** The average number of nights booked per reservation;
- **1.4.** The major platforms used by STR hosts;
- **1.5.** Average daily rates:
- **1.6.** Booking trends during the Reporting Period;
- **1.7.** Identify, by address, the following violations of STR ordinances within the Designated Geography;
- 1.7.1. Listings or advertisements that do not include an STR permit number;
- **1.7.2.** Listings or advertisements that represent or offer occupancy in excess of the occupancy maximums in the Designated Geography; and
- 1.7.3. Properties advertised as STRs that are only permitted as long-term rentals;
- **1.8.** Identify the actively listed STRs by month and address;
- **1.9.** The total number of properties actively listed in the Designated Geography each month during the Reporting Period;
- **1.10.** List the property owners; and
- 1.11. List the permit history of each property offering STRs in the Designated Geography.
- 2. Designated Geography. The City of La Verkin, Utah

- 3. Reporting Period. Reports available in the Rentalscape Platform throughout the year.
- 4. Fees; Payments.
- **4.1.** Annual Software Subscription: \$7,000 (Identification, Compliance Monitoring and Rental Activity based on properties that are listed in Rentalscape as identified STRs). We approximate 200 properties by the end of year one as being Monitored in Rentalscape.
- **4.2.** Outreach Campaign: \$2,500 to drive compliance. Three letter campaign to inform and encourage property owners to become compliant with the Registration Process.
- 4.5. Optional Expert Services upon Request by the City/County are available at \$250 per hour.
- **4.9.** Maximum Price: In no event will the total subscription fees in the first year exceed **\$9,500**. Future years' renewals will be subject to an annual increase not to exceed 5% per annum.
- **4.10.** Timing: Client will pay the annual subscription fees within 30 days of receipt of invoices from Deckard.

All terms and conditions of the Agreement will apply to this SOW. This SOW will be effective as of the date of the last signature below.

SOW AGREED TO AND ACCEPTED BY:

DECKARD TECHNOLOGIES, INC.	CLIENT
Ву:	By:
Print Name:	Print Name:
Date:	Date:
Title:	Title:

The statute that prohibits Accessory Dwelling Units (ADUs) from being used as short-term vacation rentals is included in the definition section of the zoning code rather than the code itself.

The amendments outlined below make the necessary changes to permit ADUs to be utilized as short-term vacation rentals.

CURRENT CODE

ACCESSORY DWELLING UNIT (ADU): An adjunct living unit - sometimes known as a casita, guest house, or mother-in-law apartment - (a) which is clearly incidental and secondary to the primary use of the primary dwelling or residence (for residential purposes), and (b) which contains a sleeping area and has access to a bathroom within the structure in which it is located, and (c) which may or may not have its own dedicated kitchen facilities, and (d) which is located either within or detached from the primary dwelling or residence on the same lot or parcel of real property, or (e) which may be used by members of the family or nonpaying guests, or rented for thirty (30) consecutive days or longer, but shall not be used for short-term rental purposes [rentals intended to be rented out for a period of twenty-nine (29) days or fewer]. No more than one ADU per lot or parcel of property, whether designated as detached ("DADU") or internal ("IADU"), is permitted; provided that, a lot or parcel of property that is one- half (½) acre or larger may contain a DADU and an IADU.

AMENDED CODE

ACCESSORY DWELLING UNIT (ADU): An adjunct living unit - sometimes known as a casita, guest house, or mother-in-law apartment - (a) which is clearly incidental and secondary to the primary use of the primary dwelling or residence (for residential purposes), and (b) which contains a sleeping area and has access to a bathroom within the structure in which it is located, and (c) which may or may not have its own dedicated kitchen facilities, and (d) which is located either within or detached from the primary dwelling or residence on the same lot or parcel of real property, or (e) which may be used by members of the family or nonpaying guests, or rented for thirty (30) consecutive days or longer, Short-term -vacation rental's are allowed for a period of twenty-nine (29) days are fewer but shall not be used for short-term rental purposes [rentals intended to be rented out for a period of twenty-nine (29) days or fewer]. No more than one ADU per lot or parcel of property, whether designated as detached ("DADU") or internal ("IADU"), is permitted; provided that, a lot or parcel of property that is one- half (½) acre or larger may contain a DADU and an IADU.

Pros of Allowing STRs in ADUs:

- Owner Mediation
 - Benefit: If the owner lives in the main house, they can mediate any issues with STR guests in the ADU. This personal oversight can help address common concerns about noise, parking, and neighborhood disruption.
- Affordability for Residents
 - Benefit: STRs in ADUs can provide additional income, helping younger and older residents with housing affordability. This can be especially crucial for those on a fixed income or starting their homeownership journey.
- Flexibility for Hosting Family ::
 - Benefit: Older residents can use ADUs for family visits while renting them out the rest of the time, providing flexibility and financial support that LTRs cannot offer.
- Ease of Construction and Privacy X:
 - Benefit: Building an ADU can be easier and more comfortable than renovating the main house, providing privacy for both the owner and guests.
- Parking Regulation 4:
 - Benefit: Stricter parking rules can be enforced with STRs, potentially reducing neighborhood congestion..
- Recognizing Property Rights:
 - Allowing ADUs for short-term rentals (STRs) aligns with the broader trend observed in Hurricane and Washington County, reinforcing principles of property rights. When homeowners have the flexibility to utilize their property as they see fit, including offering STRs, it empowers them with autonomy and the ability to maximize their property's potential. This can be particularly appealing when neighboring areas, such as Hurricane and the county, already allow such practices. By harmonizing regulations, residents won't feel disadvantaged or restricted compared to their neighbors, promoting a fair and competitive environment. Additionally, Hurricane's allowance for a second ADU on properties larger than 0.8 acres (LTR only) highlights the potential for thoughtful expansion of property use, offering more opportunities for income and community growth.

This alignment not only supports individual rights but can also enhance the overall attractiveness and competitiveness of the city as a place to live and invest.

Cons and Considerations:

- Neighborhood Impact:
 - STRs can sometimes lead to increased traffic, noise, and changes in neighborhood dynamics. It's essential to balance these with community needs.
 - Actionable: Establish clear communication channels between neighbors and city officials to address concerns promptly.
- Regulation and Enforcement:

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- Monitoring and enforcing STR regulations can be challenging and resource-intensive for the city.
- Actionable: Invest in technology or partnerships that help monitor STR compliance efficiently.
- Rare Case: Market Saturation:
 - In some areas, a surge in STRs might impact local housing availability and prices negatively.
 - Alternative View: Consider caps on the number of STRs allowed to maintain market balance.

Finding the right balance is key to leveraging the benefits while mitigating potential downsides. Each city may need to tailor its approach based on its unique context.

<u>Planning Commission Recommendation Regarding Creation of</u> <u>Critical Infrastructure Materials Protection Area</u>

June 17, 2025

Motion

After discussion relating to the 5 criteria set forth in Utah Code 17-41-305 and other matters, the planning commission passed a motion recommending approval of Interstate Rock's application for a Critical Infrastructure Materials Protection Area, subject to certain modifications/conditions as follows:

Recommendations for Modification to Interstate Rock's CIMPA Approval:

The Planning Commission's recommendation for approval was made subject to the following modifications/conditions:

- 1 That the nature and extent of Interstate Rock's future operations on the CIMPA property be limited in nature and scope to the same or similar operations now being conducted by Interstate Rock on the property.
- 2. That future extraction operations within the protection area be confined to those areas scheduled by Interstate Rock for operations over the next 30 years, as shown in Exhibit A.
- 3. That approval of the protection area include an agreement by Interstate Rock that it shall not seek to establish a concrete batch plant or asphalt plant within the protection area.
- 4. That approval of the protection area include an agreement by Interstate Rock that it shall not seek to expand its sand, rock and gravel extraction operations to "new land" as that term is defined by Utah Code 10-9a-901.
- That approval of the protection area be conditioned upon Interstate Rock's agreement not to use the protection area as a storage site for inoperable, worn out, unused or abandoned equipment, vehicles, trash, debris or other construction materials that have no useful purpose.
- That provision be made for the extension of Main Street over, across and through the property in a manner which is satisfactory to the City of LaVerkin and which meets the terms and conditions of the Access, Roadway and Easement Agreement dated March 23, 2006 and recorded at the office of the Washington County Recorder as document #20060011389.
- 7 That the protection area be accessed primarily using 740 West State Street, unless circumstances require otherwise.

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That Interstate Rock provide to LaVerkin City a Plan of Reclamation describing: (a) how disturbed areas will be graded and restored to a condition suitable for post-extraction land use, (b) types of vegetation to be planted, seeding rates, and methods, (c) time schedule for reclamation phases of the project, and (d) methods to be used for dust control, erosion control, and for the prevention of the accumulation of water that might contaminate sources of water supply or become a breeding ground for mosquitoes.

Findings in Support of Motion

In support of the Motion to recommend approval of Interstate Rock's application for a CIMPA, the planning commission adopted the following findings:

- 1. Interstate Rock's use of the property for extraction of sand, gravel and rock constitutes a critical infrastructure materials operation and is eligible for consideration as a Critical Infrastructure Materials Protection Area under Utah Code 17-41-101 et. seq.
- 2. Interstate Rock's sand, gravel and rock extraction operations have been conducted continuously on the property for over 30 years, predating residential development in the vicinity of the sand, rock and gravel extractions operations.
- 3. Interstate Rock estimates that there is a sufficient supply of sand, gravel and rock to sustain extraction operations on the property for at least another 30 years, making it highly viable land for critical infrastructure materials operations.
- 4. Although the property is zoned R-A-1, Interstate Rock's sand, gravel and rock extraction operation has been recognized by the city as a legal, non-conforming use from the time of its annexation into the City of LaVerkin.
- 5. Because Interstate Rock has consistently complied with state and federal standards with respect to safety, noise and fugitive dust, Interstate Rock's extraction operations have resulted in isolated safety or health concerns.
- 6. Because of future anticipated growth in Washington County, the demand for construction materials, including sand, gravel and rock, is expected to grow from about 4.1 million tons in 2024 to 8.5 million tons by 2060, with much of that demand coming from construction projects located in eastern Washington County in close proximity to Interstate Rock's operation site.
- 7. The land is viable for critical materials operations in the future because of the plentiful supply of critical infrastructure materials within the proposed protection area, as well as the property's central location to transportation corridors in close proximity to SR-17 and I-15 which would support efficient operation and distribution.

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- 8. Interstate Rock's purpose in requesting approval of a Critical Infrastructure Materials Protection Area is primarily to ensure that it can continue to operate its sand, gravel and rock extraction activities in a way which is consistent with current operations without threat of nuisance litigation from adjacent property owners, and to provide additional protection against the use of eminent domain.
- 9. The operation of a concrete batch plant or asphalt plant is not a vested use withing the meaning of Utah Code 10-9a-903 and should not be permitted within the CIMPA property.
- 10. The City will retain authority to pass ordinances or regulations with respect to the critical infrastructure materials operation as long as such ordinances or regulations bear a direct relationship to public health or safety.
- 11. Continued operation of the extraction of sand, gravel and rock will provide much needed construction materials for regional roadways, residential and commercial development and other infrastructure projects in Washington County at a reasonable cost and will help to eliminate the need to import such materials from out-of-state at a significantly higher cost.
- 12. The continued operation of Interstate Rock's critical materials extraction operations will provide employment opportunities for LaVerkin residents and will contribute to the healthy economy of LaVerkin as well as all of Washington County.

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