

NOTICE OF PUBLIC HEARING

After having received recommendations from the LaVerkin Planning Commission and the Washington County Advisory Board, and, in accordance with Utah Code §17-41-304 and §63G-30-102, the City of LaVerkin hereby gives notice of a public hearing to be held at 6 p.m. on Wednesday, July 16, 2025 at the LaVerkin City Council chambers at 111 South Main Street in LaVerkin, Utah for the purpose of receiving public input from concerned citizens regarding the proposal by Interstate Rock, Inc. for creation of a Critical Infrastructure Materials Protection Area for the area described below. Interested persons may appear at the public hearing and speak in favor of or against the proposal, any proposed modifications to the proposal, or the recommendations of the advisory committee and planning commission.

Legal Description of Proposed CIMPA Property:

Parcel LV-160-A-N-SA

S: 14 T: 41S R: 13W

BEG 1320 FT S NE COR SEC 14 T41S R13W TH S 1320 FT M/L TO SE COR SE1/4 NE1/4; THW 1320 FT; TH N 1193 FT M/L; TH S 86*36' E 242.5 FT; TH N 36*25' E 300 FT; TH E900 FT TO BEG. LESS: 3.17 AC DEEDED TO WILSON

Parcel LV-3-1-13-4200

S: 13 T: 41S R: 13W 1/2 NW1/4 SEC 13 T41S R13W

Parcel LV-174-A-5

S: 14 T: 41S R: 13W BEG AT PT S 88*57'18 E ALG 1/4 SEC/L 1002.29 FT FM NW COR NE1/4 SE1/4 SEC 14 T41S R13W TH S 54*21'11 E 50 FT; TH S 67*07'17 E 300.01 FT TO PT ON E SEC/L SEC14 PT BEING 139.97 FT S 0*21'42 W ALG SEC/L FM E1/4 COR SEC 14; TH N 65*13'42E 320.53 FT TO PT ON 1/4 SEC/L; TH S 88*52'54 E ALG 1/4 SEC/L 322.11 FT; TH S 82*30'03 E 113.24 FT; TH N 02*10'46 E 12.59 FT TO PT ON 1/4 SEC/L SEC 13; TH N88*52'54 W ALG 1/4 SEC/L 725.09 FT TO 1/4 COR BTW SECS 13 & 14; TH N 88*57'18W ALG 1/4 SEC/L 317.98 FT TO POB

Parcel LV-174-A-4

S: 14 T: 41S R: 13W BEG NW COR NE1/4 SE1/4 SEC 14 T41S R13W TH S 88*57'18 E ALG 1/4 SEC/L 50 FT; TH S 0*15'33 W 105.85 FT TO NLY R/W LN HWY U-17; TH N 39*19'03 W ALG HWY R/W LN 78.47 FT TO INTSEC WITH 1/16 LN; TH N 0*15'33 E ALG 1/16 LN 46.05 FT TO POB

Summary of Conclusions and Recommendation of Advisory Board:

1. The Advisory Board has applied the criteria specified by Utah Code 17-40-305 for evaluation of the proposal to create a CIMPA and concludes that:

- The proposed protection area is currently used for a critical infrastructure materials operation.
- The use of the property as a critical infrastructure materials operation is a legal, non-conforming use existing in a R-A-1 zone since the date of annexation into LaVerkin in 2003.
- The proposed protection area is highly viable for continued and future critical materials operations

- The the proposed protection area currently includes extraction equipment, material handling, processing equipment, crushers, conveyors, haul roads and administrative facilities supporting current and future critical infrastructure materials operations.
- Interstate Rock is committed to long term operational stability, environmental mitigation and compatibility with surrounding land uses, and it shall continue to meet all state and federal rules and regulations.

2. The Advisory Board finds that:

- the critical infrastructure materials operation provides essential materials for regional roadways and residential and commercial development in St. George, Hurricane, Leeds and Toquerville, and it supports construction of large underground utility and infrastructure projects planned in Washington County.
- 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, while the recommended conditions will mitigate the impacts on residential and other development nearby.
- The proposed protection area is suitable for reclamation as future housing which will match the existing zoning of the property.

3. The Advisory Board concludes that the proposal by Interstate Rock Products, Inc. for a CIMPA designation should be approved by the City of LaVerkin, subject to compliance with recommendations and conditions set forth below, for the following reasons:

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

4. The Advisory Board recommends that approval of the CIMPA be made subject to the following conditions:

- That Interstate Rock implement the following dust control measures:
 - Full time use of water trucks and sprinklers on haul roads and materials stockpiles during operation or as otherwise needed
 - 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 or installation of spray bars to limit dust spread
 - Ensure that highways are kept clear of dust, dirt or mud.

- That noise control measures be implemented through routine maintenance of equipment to ensure that mufflers and noise dampening components are functioning, and through future equipment upgrades with noise mitigation features as equipment technology becomes more efficient and quieter.
- That adjacent property is protected by maintaining a 2:1 slope or flatter during operations and at cessation of operations; take steps to protect fencing, natural topography and other structures on adjacent property from becoming unstable; comply with all MSHA requirements regarding berming and cut and fill slopes.
- That hours of operation be limited to 7:00 a.m. to 7 p.m. and limited to weekdays (no holidays)
- Install rockfall netting or barriers at vulnerable boundary areas
- That the protection area be kept free from unused, inoperation equipment, vehicles, junk, trash or construction debris
- That the natural terrain and vegetation in the existing wash be maintained as visual features and buffer currently enjoyed by nearby residents.
- That Interstate Rock prepare, obtain approval from LaVerkin City, and comply with a Reclamation and Rehabilitation Plan for the area.
- That no asphalt mixing or batch plant be established within the protection area.
- That primary access to the CIMPA property shall remain on Main Street to SR-9, and that all vehicles entering the public rights of way shall have weight distribution properties that prevent damage to the public rights of way, provided that if damage occurs, the owner and authorized operator shall be responsible for the cost of repairs.
- Continuous emergency access shall be provided through the CIMPA along Main Street to Grand Canyon Parkway in Toquerville.
- That Interstate Rock shall not seek to expand its critical infrastructure materials operations to “new lands” outside the CIMPA area.
- That Interstate Rock provide “doorknob notice” in advance of blasting or temporary extended hours or operation, with LaVerkin City approval, within 1000 feet of the CIMPA.
- That developers seeking to obtain plat approval for property within 1000 feet of the CIMPA be required to comply with notice requirements of Utah Code 17-41-304.

(NOTE: A full copy of the Report and Recommendations of the Advisory Board are on file at the LaVerkin City Office at 435 North Main Street for review and copying.)

Summary of Conclusions and Recommendation of Planning Commission

Motion to recommend to the City Council that Interstate Rock’s application for a Critical Infrastructure Materials Protection Area be approved with certain modifications as follows:

A. Recommendations for Modification to Interstate Rock’s CIMPA Approval:

The Planning Commission's recommendation for approval of Interstate Rock's application for approval of a Critical Infrastructure Materials Protection Area should be made subject to the following modifications/conditions:

- 1 That the nature and extent of Interstate Rock's future operations on the property be limited to the same or similar operations as are now being conducted by Interstate Rock.
2. That future extraction operations within the protection area be limited to those areas earmarked by Interstate Rock for operations over the next 30 years.
3. That approval of the protection area be subject to Interstate Rock's agreement not to seek the establishment of a concrete batch plant or asphalt plant within the protection area.
4. That approval of the protection area be subject to Interstate Rock's agreement not to seek expansion of its sand, rock and gravel extraction operations to "new land."
- 5 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.
- 6 That provision be made for the extension of Main Street over, across and through the property in a manner satisfactory to the City of LaVerkin.
- 7 That Interstate Rock provide 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.

B. Findings in Support of Motion

The motion to recommend approval is based on the following findings:

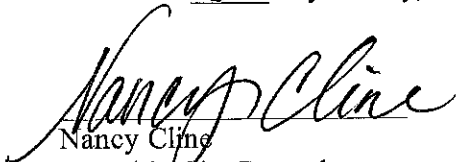
1. Interstate Rock's use of the property for extraction of sand, gravel and rock constitutes a critical infrastructure materials operation and is eligible for consideration as a Critical Infrastructure Materials Protection Area under Utah Code 17-41-101 et. seq.
2. Interstate Rock's sand, gravel and rock extraction operations have been conducted on the property for over 30 years, long before encroaching residential development in the vicinity of the property was approved or constructed.
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.

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 no significant 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.
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 protections against the use of eminent domain.
9. The operation of a concrete batch plant or asphalt plant is not an existing legal use on the property, and, therefore, is not a vested use within the meaning of Utah Code 10-9a-903.
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. 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.

13. As a result of the foregoing findings, the Planning Commission believes that approval of a Critical Infrastructure Materials Protection Area will be beneficial not only to the residents of LaVerkin, but to all residents of Washington County.

(NOTE: A full copy of the Report and Recommendation of the LaVerkin City Planning Commission is on file at the LaVerkin City Office at 435 North Main Street for review and copying.)

Dated this 3 day of July, 2025.


Nancy Cline
LaVerkin City Recorder