



## LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

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

Council Chambers, 111 South Main Street

La Verkin, Utah 84745

- A. Call to Order:** Chair Allen Bice  
Invocation by Invitation; Pledge of Allegiance
- B. Approval of Agenda:**
- C. Approval of Minutes:** June 11, 2025, regular meeting, July 17, 2025, special meeting. .
- D. Reports:**  
The City Council and Director of Operations will present updates on meetings and activities.
- F. Business:**
  - 1. Discussion regarding the application for a live-work zone to be created in the existing Commercial retail zone.
  - 2. Discussion regarding the application for a mixed-use allowance within the Commercial retail zone.

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### G. Adjourn:

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

**Certificate of Posting**

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

111 S. Main and 435 N. Main on July 3, 2025

Nancy Cline, City Recorder



# LA VERKIN CITY PLANNING COMMISSION

Work Meeting

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

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

**Present:** Chair Allen Bice; Commissioners: Matt Juluson, Richard Howard, John Valenti; Staff: Fay Reber, Derek Imlay, and Nancy Cline.

**A. Call to Order:** Chair Allen Bice called the meeting to order at 5:00 pm.

Fay recapped the previous meeting they received information on the Critical Infrastructure Materials Protection Area (CIMPA). The applicant gave a presentation and the legal counsel for the Bakers also gave a presentation. Tonight, they received a recommendation from the County Advisory Board so they will go over that and have questions for Interstate Rock and Mr. Anderson. He suggested a special meeting on June 17, 2025, to come to their conclusion on the recommendation they will give to the city council.

Derek Imlay read the five criteria for the recommendation. He read a statement first, "In order to withstand any challenge in court, any decision made by the Planning Commission must be "reasonably debatable" and not "arbitrary, capricious or illegal" as determined from all relevant information contained in the minutes of our meetings." What that means in practical terms is that the planning commission members should have a good discussion on each of the above points, and, after discussion is completed, a series of "findings" should be made as part of the motion to approve or reject the CIMPA proposal.

1. Whether or not the land is currently being used for critical infrastructure materials operations.
2. Whether or not the land is the zone for critical infrastructure material operations.
3. Whether or not the land is viable for critical infrastructure materials operations.
4. The extent and nature of the existing proposed improvements to or expansion of the critical infrastructure materials operations.
5. Anticipated trends in technological conditions applicable to the critical infrastructure materials operations of the land in question.

Commissioner Juluson wanted clarification on two points. One, they are non-conforming in a R-A-1 zone because they were annexed in. Does the state consider them eligible for the CIMPA? Do they qualify because they were grandfathered in?

Fay explained that when they came into the city, we didn't have a zone that allowed this use, but they were conducting that use and had been for some time before they came into the city. They continued that use as a legal non-conforming use, and that's how they've been operating for the past 30 years. And under non-conforming use law, as long as they continue to operate as a legal non-conforming use, they can continue to do so. Without the need for a zone change. One thing about non-conforming use law is that one of the basic principles is that you can't expand a non-conforming use. Some people argue that by mining, when you're taking, you're always constantly digging further and further property that you're expanding the non-conforming area. But the Supreme Court has talked about that in a couple of cases and made it clear with respect to mining operations or, in this case, critical infrastructure materials extraction. That concept of extension doesn't apply by its very nature.

Commissioner Juluson asked if they would be adding more land outside of what is already zoned. Then would that stop them from expanding that way?

Fay explained that if they grant the CIMPA, they have a right to continue the operations anywhere within the CIMPA property. They don't necessarily, under CIMPA, have a right to expand into new land or adjoining land. However, under the new state code that was just adopted, or portions of the new state code that was just amended by House Bill 355 if they are a vested user, they're a vested critical infrastructure material operator with a vested use, they can, in fact, expand into new lands if they follow a certain procedure. And that procedure is they have

to give notice, there has to be hearing, and there has to be a bunch of other stuff. That's irrespective of CIMPA. That's under the new amendments.

Commissioner Bice asked if the CIMPA would expand with them to the new property if they expand.

Fay explained that if we grant the CIMPA, then they are able to somehow expand into new lands. He thought Interstate Rock already told them that they don't want to do that, they don't plan to expand into this. But if something happened and they did, and we granted a CIMPA, then those CIMPA protections would extend to that new land.

Commissioner Juluson asked if they would have to come get that approved by the city if they expanded.

Fay replied that he thought that would be subject to zoning, too. For example, if it was just R-1-10, and we had homes all over, he didn't think they could do that.

Commissioner Bice asked since they are zoned now agricultural, if they acquired new land also zoned agricultural, then would their non-conforming legal use expand if they weren't changing zone?

Fay replied he thought that would be considered new land. All we're dealing with in the CIMPA statutes is protection for the 116 acres that they've applied for protection.

Commissioner Richard Howard commented that as they analyzed HB 355, regardless of the CIMPA, they've been granted by the state more protections. Even if CIMPA isn't approve.

Fay clarified that even if CIMPA is not approved, this new House Bill 355 gives them certain rights to expand and do all kinds of things, if they are a vested user. And a vested user means that it must be an existing legal use. All we're doing with CIMPA is providing them with the protection area for the 160 acres. We're not granting them additional rights to expand or any of those kinds of things. We're just granting them protection under CIMPA. But they may have additional rights under the new code that would go beyond what CIMPA protection provides.

Commissioner Richard Howard asked if the CIMPA does anything to help the city or the people?

Fay replied that it has an indirect benefit to the city by employing citizens. The extraction also provides materials that would need to be shipped to us if they didn't have the extraction in La Verkin.

Commissioner Richard Howard commented that HB 355 grants them some protections. Would the city gain anything or lose anything by granting the CIMPA?

Fay replied that what the city would lose is the ability to change the zone on the property without the consent of all operators on the land. That's one of the protections. Another protection is that the eminent domain, if the CIMPA was not granted, the conditions for that kind of eminent domain action, is a necessary use that the city is taking it for, that's really the only necessary public use. With the CIMPA, the protection they get with respect to eminent domain, the condemning authority couldn't complete the condemnation until they got approval from the city and the county advisory board. And to get that consent from those two entities, they would have to have a couple of public hearings. So, what it does, essentially, is it adds some additional hurdles for a condemned authority to jump through if the CIMPA is granted.

Commissioner Richard Howard clarified that with the CIMPA the city could still condemn land they just have additional hurdles to jump through and without the CIMPA they can condemn land easier. It looks like the county is in favor of the CIMPA.

Fay replied yes, they are going to discuss in more detail the county's recommendations in the meeting tonight. Derek read the whole statement. There are five factors that the Planning Commission needs to take into consideration as it makes its determination. As we go through this discussion, we need to keep those factors in mind.

Derek explained they wanted to give the planning commission time to ask questions and look over the factors that they need to come up with their recommendation to city council. He would like to hold a special meeting on Tuesday June 17th, where they could come back and formulate criteria that's being asked of them, what their recommendations are, and give them time to go over the counties recommendation since they received it today. They worked hard to get it to us. And it's important that we do it right.

Commissioner Juluson asked about the trail that was brought up in the last meeting.

Derek explained that it's a two-fold question. Phase one that has been approved by the council to move forward with funding from the county to do it. Phase two, we're still in the process of putting the trail through, where it will come underneath SR-9, somewhere around the twist area through BLM and come to the interstate rocks further up. It'll come down, making that part of the regional trail.

Commissioner Bice asked if it would connect to the Confluence Park.

Derek replied that it would connect to Confluence Park. If you're on the bridge and go along the riverbank by the creek next to the homes in Riverwood and then come back up on the dirt road where it gets off on 900 north and go multiple directions from there. This is part of the trail that starts up in Springdale.

Fay wanted to explain what the city would give up by granting the CIMPA. The protection against just the city arbitrarily coming in and changing the zoning. It would have to be with their consent. The city would be required to amend its rules, regulations and ordinances in such a way that it would exclude from the definition of a nuisance what their operations are. Then people couldn't come in on the basis of city ordinances claim that was a nuisance violation. That's one of the bigger protections that the city would be granting. The city would be required to adopt rules and regulations which, to the extent possible, would encourage the continued use of the property, critical infrastructure materials extraction, as long as it didn't negatively affect the health and safety of the residents of the city. It requires that we adopt policies to support the CIMPA, the nuisance provisions, zoning, and eminent domain. There is a notice of 1,000 feet. If the CIMPA is granted, they have to provide any developer developing with it. 1,000 feet language on the plat informing potential buyers that there is a critical infrastructure materials protection area in the vicinity. That's one of the things that the opponents of this are really against, they feel like, by putting that language on the plat is a chilling effect on them to sell their lots.

Commissioner Bice added that the information is in the packet they received on tab eight and nine. They can take that home and study it more if they want to.

Commissioner Valenti commented that there's been a lot of talk ever since the very beginning about the batch plant and the asphalt plant. And it seems like that has finally been put to rest, that there is no intention of doing that. And yet it continues to surface in discussions generally on social media and the like.

Fay responded that Interstate Rock has indicated that they are not interested in establishing a concrete or asphalt plant. In fact, they were even willing to go so far as to put it in writing, except that there were points that we couldn't agree to, so that agreement didn't get consummate. But they were willing to put that in writing. Granting the CIMPA does not give them the right to establish a batch plant or asphalt plant. The confusion comes in under the new House Bill 355 under Section 10-03, allows them to continue certain vested uses, expand certain vested uses, including stockpiling and some other kinds of things with relation to a batch plant and an asphalt plant. But those are for vested uses, which they clearly do not have a vested use, because in order to have a vested use, it has to be an existing.

Commissioner Richard Howard commented that the written agreement is an important point when we talk about Interstates future, whether it's tomorrow or 50 years from now, if a new owner of that property would still be under the same restrictions.

Fay replied that he put that in this proposed agreement because he thought that was something that would make the residents in the area feel more secure, feel better about what was happening. Give them the assurance that there wouldn't be a batch concrete plant down in that area. But again, we got into one issue with respect to eminent domain that we couldn't get around. The main point of that issue was if we granted the CIMPA, the protections for eminent domain would apply not just to the city, but to all. So that, for example, if UDOT, Ash Creek Special Service District, or the Water Conservancy District, or any governmental entity wanted to condemn the easement across that property, or put in a roadway, or a pipeline, or any of those kinds of things, so that it could go up the hill to the east end up here, to the top side, as it's referred to, those condemnation protections would extend to those other entities. If we did just the written agreement and we did away with the CIMPA protections then those protections would only extend to the city of La Verkin. Interstate was concerned about it and so far, we haven't been able to figure out a way around that. Mr. Anderson just proposed later this afternoon a way maybe we could approach that, and one of the reasons why we're hoping to get an extension from Interstate Rock was so that we could engage in additional discussions with some of those other entities.

Commissioner Richard Howard commented that he understands why they want the protection because his brother has property in Leeds, and they want it to put the freeway in. He wanted more clarification about the protection from the other entities.

Fay explained by granting the CIMPA it would protect Interstate from the other entities declaring eminent domain. They would have to jump through the same hoops to get it granted. Eminent domain normally is if the city of La Verkin wants to condemn property for a road, all they have to do is show that the property is necessary for the taking. The taking is for public use, and then they have to make sure that they pay fair market. Those are two things. It's necessary, and then it's for public use. With the CIMPA protections, not only would they have to show that, but anybody seeking to condemn would have to get approval from the city of La Verkin, from the county advisory board, and that would only be given through a series of public hearings.

Commissioner Valenti asked if a road was proposed in a different location, how much of that road would belong to the city and how much would belong to the county. If it was a road connecting to the twist.

Fay asked if there was a proposal for a road to go up the twist to the topside.

Derek replied that there have been some discussions in transportation meetings. Due to the amount of the cost that would be incurred by cutting back the hill to go through the twist and then the ravine on the other side, that might be an option, but it was just in general discussion. Nothing more.

Commissioner Valenti added that it would be a rather small piece of land that would be part of the operation over there in the pit.

Derek replied to the extension of the road was minimal because most of the stuff from that point on is pretty flat and wouldn't require a lot. He didn't know how serious they were about it. They only discussed it briefly. He didn't know how big it would be. Two lanes or four lanes that could end up being a lot of property.

Fay commented for example if Ash Creek need to put in a sewer line and it went through the property they would want eminent domain. With the CIMPA they would need to jump through a few more hoops to get the property.

Commissioner Bice suggested waiting to read the 8-page recommendations from the county advisory board in their 6:00 meeting.

Fay added that the statute says that the county advisory board is formed, one of the purposes for their formation is to provide expert advice to the planning commission so that we can make our own findings. They received it earlier today and no one had the chance to read it.

Meeting was adjourned at 5:40.

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Planning Commission Chair

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Date Approved

DRAFT



**LA VERKIN CITY PLANNING COMMISSION**

Regular Meeting

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

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

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

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

**B. Approval of Agenda:**

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

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

The motion was made by Commissioner Richard Howard to approve April 9, April 23, and May 28, 2025, regular meeting, second by Commissioner John Valenti. Hugh Howard-yes, Bice-yes, Richard Howard-yes, Valenti-yes Juluson-yes. The motion carried unanimously.

**D. Reports:**

*No Reports.*

**E. Business:**

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

Commissioner Bice informed the public that tonight they would read the recommendation the County Advisory Board reported on the CIMPA. He read out loud from the memorandum. They will hold a special meeting on June 17, 2025 to make their recommendation to city council.

“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 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.

Commissioner Hugh Howard read page 3:

“ 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.

Commissioner Valenti read page 4:

“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 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, 5

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

Commissioner Juluson read page 5:

“ 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.

Commissioner Richard Howard read page 6:

##### “ 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

Commissioner Allen Bice read page 7:

#### “ E. No Asphalt Mixing or Batch Plant

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

#### F. Roadways and Access

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

#### G. CIMPA Expansion

- No future expansion of the CIMPA to adjacent or contiguous properties owned by Interstate due to longstanding, new, and anticipated residential development including the following properties: Parcel Nos. LV-154-A, LV-159-A, LV-3-1-13-3401, LV-3-1-13-

3420, and LV-3-1-13-3431. Grading on these and other parcels in the vicinity for development is required to be in compliance with city hillside ordinances and grading permit requirements. Normal development is the appropriate method for development

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

Commissioner Hugh Howard read page 8:

“ 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

Commissioner Bice added that they discussed the five criteria. Let's go over those again briefly. But he added the Planning Commission members aren't elected. We're appointed. We're not attorneys. We're not city planners. It turns out we're not public speakers either. Irrespective of what the Planning Commission chooses to do this still goes to the City Council. The City Council are the elected officials who will make that designation. He also mentioned they don't discuss with each other and he hasn't spoken with any of the Planning Commission members and doesn't know how they feel on things. All of that's required to happen in a public forum and, he appreciates the public's interest in this and he appreciates those of you who've taken the effort to educate each other or yourselves on this. The five criteria number one whether or not the land is being currently used for critical infrastructure materials operations that, seems to not require much discussion.

Commissioner Juluson commented that IRP stated in their presentation they have been extracting long before 2004.

Commissioner Bice continues to number two whether the land is zoned for critical infrastructure materials operations. Are there any questions about that ?

Commissioner Juluson had a question about them being non-conforming. If that still meets requirement whether they're not actually zoned at the critical industrial land use.

Fay Reber responded that the non-conforming use the state allows that to continue to be used in the same way that it's been used for the last 30 or 40 years. The problem is they don't make substantial changes or expand to certain types of uses. There are certain kinds of uses which are unsubstantial. He thought that zoning designation of R-A-1 as a non-conforming use is going to be sufficient.

Commissioner Juluson asked if there was any zoning allowing them to have a batch plant or asphalt plants?

Commissioner Bice responded those are not permitted uses anywhere in La Verkin.

Commissioner Richard Howard added it's not zoned for it but grandfathered in for it.

Commissioner Bice continued with number three whether or not the land is viable for critical infrastructure materials. It would seem that 40 years of hauling sand and gravel out of it would mean that that's the case, should they run into the end of the sand and gravel. That will end their need for CIMPA and end their operations there. But it sounds like they'd done their homework and aren't foreseeing that happening.

Fay commented the presentation they gave at the last meeting stated 15 years in both areas for a total of at least 30 years of extraction. One other factor is that they are in close proximity to SR-17, I-15, and the central location of this plant to projects on the east side. There are several locations in the cities of Leeds, Toquerville, and Virgin that will need that infrastructure material.

Commissioner Bice added 95,000 new houses in the county, that's terrifying. Number five on the list is anticipated trends in technological conditions applicable to the infrastructure materials operations of the land in question. Improvement in technology may well make it friendlier. In as much as this was eight pages and quite a lot, let's not have a formal vote at this time, but he wanted to give the commission a member a moment if they would like to state how you're feeling about it.

Commissioner Richard Howard had a question about the advisory board also recommends adoption of the conditions, and those were pages five and three, which sounded great. Can you add them to the CIMPA?

Fay replied that the city council, and the planning committee, they can make the recommendation to either accept the proposal as submitted with a modification or deny it. Part of those modifications that presuppose that that would include any conditions that the city council wishes to. If the city council were of the mind to approve the CIMPA, they could, by order, impose those additional conditions. Or they could do it by agreement.

Commissioner Richard Howard added in the Air Force they will write a regulation that is law, and at a local base, they had to implement that regulation. But they could add to it. He wanted to know if they are able to add to the CIMPA?

Fay replied we could add certain conditions. Or take things away. When the city council gets it they could take away certain lands or add to it. An example would be to add they don't want the land to become a dump for old equipment.

Commissioner Richard Howard added on number 7 they talked about the concerns the citizens had. What are the concerns of the city? What does the city get out of it? We know why Interstate needs it. But does it handcuff the city on action?

Commissioner Bice commented that there are protections offered to agriculture, mining and industry. The declaration of independence was originally written to guarantee us life, liberty, and the pursuit of property but they rewrote that because they were afraid people would think it was just addressing rich people and changed it to life, liberty, and the pursuit of happiness. But it was about property, about protection for the property. He would be ok with all businesses having a CIMPA. What La Verkin gets out of it is protecting a major resident in our city. He would support a CIMPA for homeowners too. And nobody wants a sewer processing plant in their backyard, but all of us want our sewer process. Nobody wants to be too close to a hotel, but all of us want the benefits that come to our city from hotels. He doesn't want those things in his backyard either, which puts us in a difficult place, because they're necessary things, but nobody wants them in their backyard. That's normal. He understands the residents' concerns and it's our duty to protect businesses in our city. What we get out of it may not be financial, but it is an opportunity to do the right thing. And it seems to me giving them this protection is the right thing to do.

Commissioner Juluson commented that the city is getting some concessions with the conditions. He supports the general idea of the CIMPA.

Commissioner Richard Howard commented he agrees with the CIMPA in general. He likes the counties suggestions to add to the CIMPA. He likes that IRP tried meeting with Trail Ridge HOA to come to an agreement. His concern was that any control the city might give up because of the CIMPA. The city needs to protect its businesses and citizens.

Derek Imlay added that the city gets sale tax revenue from anything they extract.

Commissioner Richard Howard agreed with it. He thought HB 355 offered a lot of protection for them. And he liked the counties' comments. He would like to see an agreement made so IRP gets their protection, and the landowners get their concerns covered.

Commissioner Valenti added that everybody's given up something in the process, and it seems to him to be a reasonable contract. All the partners kind of came to this process some time ago. In numerous hearings, everybody's had a chance to say what they felt about their individual issues. The people who live next to the pit have been living next to it for a long time. The pit has been in operation for a long time. It's been in the city for a long time. By way of compromise, the Interstate Rock has, or will possibly sign on, to these concessions. The city is going to give up some control on whether that's acceptable. And to the city, the city council will have to

decide that. We will recommend something in the process. He felt fairly good about it. This is the first time he has seen the document, but it seems like they've touched on a lot of the issues. But again, each one of these parties seems to be giving up something. And it seems to me that there's an advisory to listen to the complaints. It's a framework as to what needs to be accomplished in order to satisfy the discussion.

Commissioner Hugh Howard commented that he was against it until he heard more tonight. And seeing the considerations, and the stipulations that we can put into it. He is leaning towards it.

Commissioner Juluson added he didn't know they could add contingencies until they read the counties' recommendation.

Commissioner Bice commented they would table this until the meeting on June 17, 2025.

Mr. Anderson asked if he could make a statement. His comment was that the city could adopt all these programs and ideas without a CIMPA. They have put together an agreement that gives them all the CIMPA rights without the CIMPA. CIMPA has a weird legal aspect to it. It takes away from the city and the city council, the ability to regulate 117 acres. We're right in the middle of a busy and complicated part of your city where a lot of different things gather there with regard to water and development and mining and all those things. And so it's a sensitive part of town, and it doesn't make sense that you would want to give up those things. He brought up that it is not only an extraction site but a real estate site with houses, roads, and a school planned. It doesn't seem that you would want to give up the things that you do have to give up, which include zoning, rights of eminent domain, certain regulation, and then it creates this nuisance presumption, that makes it almost impossible for a citizen of this town or of Toquerville to object, to nuisances that come about by way of this pit. It puts a burden on them, so they need to hire five lawyers, to try to deal with an issue that they should have the right to just come here and complain about. He talks about the four subdivisions planned to be built there. His argument is it's a long-term real estate project not an extraction pit. He would like Interstate Rock to drop their request so they can negotiate without running against a clock. He thinks the city needs to look after its citizens and not businesses since the state and county are doing that. Citizens in Toquerville have talked about moving because they don't want to be next to a CIMPA. They couldn't complain to the city because they won't have control over it. He suggested getting an agreement on making sure they can do what they want to do, but with full and due respect of the authority, regulation, and power of the leadership of this community. He thought they could get there, and he thought the Planning Commission should recommend to the City Council that they do not go for the CIMPA. But they look at another solution that is simply an agreement, a development agreement. We're doing it long-term, like we do with lots of projects in this county, and he thought that it will benefit them all.

Chase Stratton commented that their concerns about the city losing their ability to regulate is not true. The state code does not say that. A mining area within its boundaries shall encourage the continuity, development, and viability of agricultural use, industrial use, critical and construction materials operations, or mining use within the relevant protection area by not enacting a local law, ordinance, or regulation that, unless the law, ordinance, or regulation bears the regulations of public health or safety, would unreasonably restrict in the case of critical and construction materials operations. Would a new ordinance unreasonably restrict us unless it's about public safety, and health? If it is, it unreasonably restricts us. Otherwise, it's unreasonably restricted. He didn't necessarily know if the city plans to unreasonably restricting them in the future of them doing our work. He didn't feel like that harms the city, or takes power from the city. The next thing is it also states regarding zoning. It just says, a political subdivision may not change the zoning designation, or a zoning regulation affecting land within critical and critical material protection unless the political subdivision receives written approval for the change from each critical and critical material owners. Again, he would hope that the city doesn't just arbitrarily want to say, hey, guess what, you're R-1 or something, let's change your zoning. He has seen it happen in other cities. He would hope that that's not the intent of the city, is to just change without speaking or talking with

them. He didn't think that's necessarily something that stops the city from regulating their operations. And those are really the only things he sees that limit them. The one thing that he found concerning about protecting citizens, what the city benefits. He thought one thing the city benefits from the CIMPA over not doing a CIMPA and doing an agreement, at least the agreements that have been drafted so far, is that it excludes the notification on a plot with housing. He thinks for citizens and people who are wanting to move here, it's an undue justice not to, not to have that be another protection for people by or wanting to be a citizen of our community. They should know about it. He didn't agree with not putting that notice on the plat. He thinks that should be in the agreement. As far as the asphalt plant, all the conditions that are on there are already covered by city ordinance that we would have to continue to follow, or federal and state regulations. So everything that they've mentioned there is actually already stuff that we currently do to legally operate our business. Two, everything that we want to do there with all the health and safety and dust mitigation, everything, it's already what we're doing. He looked at this and thought this simply gives us some more protection for eminent domain. He didn't agree it really restricts the city in any way from regulating. It does for new laws that might be unreasonably burdensome to them.

Commissioner Bice tables this subject until the next meeting.

## 2. Discussion regarding the Mixed-Use and Live-Work zones.

Brad Robins explained that in regard to the definition of live work, it shall be associated with the development of a real-world complex in a condo town, or development, not design. What he is trying to avoid here is somebody going to say that they're going to live work and work it out of their own home. It must be a process that the commission comes through, the city council may approve. He will put together some requirements for live work. A maximum of one employee and the business owner can work there. No portion of the live work unit may be separately rented or sold. No pass-through visits are permitted. A business license is required. The unit, especially the business portion, shall meet prior health safety requirements by the city. It can have a small sign associated with it. In regard to permitted uses he didn't know how you can go through every single use and kind of think about the sleeping bag business. He thought it would be better to list prohibitive uses. He listed all the different prohibitive uses. When it comes to actually approving the use, it is up to the planning commission based on its own discretion to approve or deny. That would make this a conditional use zone. In regard to the development of the site itself, or any site, it is brand new, you have to approve it through architectural drawings, studies, landscaping, and lighting. When it came to some development standards, as we talked about, the workshop, there needs to be a tentative loading space. For most commercial industrialists there should be a development agreement. There was this question about balconies. Should we use them for storage, hanging, laundry, etc.? And then also the balcony should have some type of privacy wall. And then finally, in regard to parking, you mentioned that two-car garage. That two-car garage could be used for business purposes. There needs to be two exterior parking spaces for customers in front of the garage, and that would be 9 by 18-foot. Brad continued explaining what the mixed-use zone is, basically to provide permissive commercial uses, generally on the lower floor, facing a public, with multi-family residential uses. He wanted to provide enough flexibility for the developer to create creativity. There's a whole list of permitted uses that are part of this, and most of these are in commercial. They would have to do the precise plan requirement, architectural draw, all those types of things. There's a fairly extensive section about signage in here, because signage is something that has development standards required.

Commissioner Richard Howard commented he liked that Brad had mixed-use and the live-work separate. He pointed out he listed a lot of things that wouldn't work good for live-work, as opposed to things that would. He gave an example in Alexandria, Virginia, there's a whole apartment complex that on the bottom, where the public comes in, it's basically shopping centers. It's everything that can support a society. And the apartments above are handy, but they're not related at all to the businesses below. It is important to define the two, to make a city ordinance that would separate them from one.

Commissioner Juluson commented that what if they want to come in and have second floor offices or third or fourth floor offices? How do you do that? Do you have to have a lobby? Would we allow that? If you did allow that, would you have to have a defined, lobby area where people would meet? We could define the residential and the business more.

Brad replied that's why with the mixed use, he was trying to provide as much flexibility as possible. That's the whole point. But we can take a look at a lobby or a small atrium or something.

Derek added that St. George has a percentage of the main level is commercial, and then they go 60-40 on second, so now you've got a whole mix within residential. Then third story of 100 residential.

Commissioner Juluson asked if the commercial and residential are separated, a separate entrance from the lobby or business area or something like that going to the residential.

Derek replied he imagined there would be a wall separation. He has seen them in many different ways.

Brads added that his intent with this is to provide as much flexibility to the developer to design the internal portion. To make sure that there is some commercial space. We don't want someone coming in and just building an apartment complex.

**F. Adjourn:**

**Commissioner Bice adjourned the meeting at 7:20 p.m.**

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Planning Commission Chair

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Date Approved

## LA VERKIN CITY PLANNING COMMISSION

### Special Meeting

Tuesday, June 17, 2025, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

**Present:** Chair Allen Bice; Commissioners: Matt Juluson, Sherman Howard, Richard Howard, and John Valenti; Staff: Derek Imlay, Fay Reber, and Nancy Cline.

**A. Call to Order:** Chair Allen Bice called the meeting to order at 6:01 pm. The invocation and Pledge of Allegiance were given by Allen Bice.

### **B. Approval of Agenda:**

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

### **C. Business:**

1. Discussion and possible action for recommendation to City Council regarding Interstate Rock Product Critical Infrastructure Materials Protection Area. (CIMPA)

Fay explained that originally, we were supposed to have our written recommendation to the City Council by June 16th, but we got a one-week extension. Knowing the city council meeting was meeting tomorrow night, we called a special meeting so that we could continue our discussion at the last meeting and come up with our own recommendations in time to give to the city council for their discussions tomorrow night. The city council will have basically two times to discuss this. One time will be tomorrow night, and then the other time will be at the public hearing July 16th, and they'll be required to make some decisions. If we had not had the special meeting and had not given them our recommendation, they wouldn't have had until their meeting on July 16th. So that wouldn't have given them a lot of time to read through and go through our recommendations, and the recommendations of the advisory committee. In the last meeting, we went through the recommendation of the advisory committee. We actually read through it word for word, and we had some discussion on it. At the end of the meeting, we just kind of asked people how they felt. And based on that, staff determined that it was likely, although not by any means a sure thing, that the Planning Commission was leaning towards granting approval of the recommendation of the CIMPA. Based on that, staff came up with its own findings and conditions for approval which he thought the planning commission had had a chance to look at it over the last day or so. By no means are you going to be required to adopt these findings. If you had others you wanted to adopt you certainly could do that. If you want to strike some of these and add new ones or do away with these all together it's completely up to you. Hopefully at the end of tonight's meeting we will be in a position where we will make some sort of a motion one way or the other to recommend or deny them so that we can then provide that to the city council.

Commissioner Bice read the staff's recommendations for modification of the CIMPA. There are eight points.

1. That the nature and extent of Interstate Rock's future operations on the property be limited to the same or similar operations as 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 subjected to Interstate Rock's agreement not to seek 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 La Verkin.

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

8. That access from SR17 onto 740 North to Main Street and continuing north to the pit should be recognized as the most preferred entrance to the interstate pit area. This strategic designation will significantly ease the congestion currently experienced by trucks at the SR-9 entrance, particularly during peak tourist seasons and busy school traffic.

The County Advisor Committee, page 7, item F, says avoid roadway access through other subdivisions or residential developments on 740 North or Grand Teton Street. Public roadway connections shall be constructed and repaired at the property owner's expense as provided by an agreement of the property owners. This is a little change to that, redirecting the traffic off from SR-9.

Fay explained that most things that you just read, just so we're all clear, those are conditions of approval that we're recommending. Those are conditions that we're recommending as part of the motion. Now, there may be others you want to include there, or you may want to modify some of that language in some of those items. He could think of one item that he thought might need to be changed a little bit, and that's provision number six.

Commissioner Valenti commented about whether there would be a mechanism to just shrink the size of the CIMPA and exclude all the lands east of the Main Street extension.

Fay commented that's a possibility. That's something, if you want to make that recommendation, then certainly your motion to approve the CIMPA could be based on that as one of the conditions. That the CIMPA excludes from its boundaries that area lying east of Main Street.

Commissioner Valenti added that it would get us out of the issue of takings, because it's not likely that we would be taking any property inside of that other area because it's already slated for roads and the developments that are already there, and even that extensive area that's beyond Main Street. He didn't know that there'd be a reasonable or probable alternative to that space anyway.

Fay replied that he broached that subject with Chase Stratton and he said, they would rather have it in there. However, if the Planning Commissioner wants that they could do it. And even if we don't make that recommendation, the City Council could do that.

Commissioner Bice asked if there was sand and gravel yet to be extracted on the east side of Main Street, or is it all west, where the pit currently is? Or North and West of that?

Fay replied he did not know the answer to that question.

Commissioner Valenti commented he thought when they spoke to that issue, they said it would be an overburdening of that piece of land, so it would take an awful big effort to get down to the sand.

Fay added that it would be after the expiration of the 20-year period of the CIMPA.

Commissioner Valenti added that that seems to be about roughly half of their property that they're looking for the CIMPA. From looking at their schematic.

Fay commented that the county left that out of their recommendations. However, they could add it if they wanted to.

Commissioner Richard Howard commented that a lot of really smart people are trying to do their best for Interstate Rock. And just going back to when he was a kid, he and a friend rode horse where Donkey Hollow is. And he couldn't believe anybody wanted to live down there, because it was just hot and dry. Fast forward to now, we're developing. It brought us to where both cities are meeting and then we get a beautiful property by the Creek. He thought Interstate Rock probably played a big part in making that happen. He felt like everybody's interest here is trying to find the best way forward to protect Interstate Rock. He is also concerned about what the city gets out of this. Eminent Domain is something that's affected his family directly. His father's home, his childhood home, had an Eminent Domain freeway right in the center median where his house was. Just a few years later and his property over at Leeds, Eminent Domain put a freeway right through there. I-15 goes right through the property of his father's house and split it in two. And as much as he doesn't like it, what if we didn't have that? I-15 would be crooked or not there at all. He would love to have a CIMPA lying around his property that says you can't touch it. Looking at the needs of Interstate Rock and our needs, just as an example, if you go to Hurricane just north of the airport, the airport narrows just south of the intermediate school, and at some point, they're going to have to widen that. If the property owners don't want to sell, you need eminent domain to widen that road or any other structure. And what you're afraid of is capricious actions that might happen in the future. They can move to an airport. They can't move sand and gravel pit. House Bill 355 provides a lot of protection already for Interstate Rock. The findings number eight talk about the very thing he thought Interstate Rock's concerned about, that concern about litigation of property owners and providing additional protection. We must think about planning for the future of the city for all involved. We want to create an environment where business can operate, and we want to protect the homes and property and the future planning ability of the citizens and the city leaders that are going to oversee that. He is hoping that House Bill 355 provides lots of protection for them and any addendums that we can add. Without the city giving up its ability to plan for some future contingency that may not include Interstate Rock they may sell out to some larger entity someday. This is the Planning Commission's responsibility. We need to ensure that the city has the ability to do as much planning and future decisions for the city, and for business and property owners.

Fay commented that if we granted the CIMPA, we don't give up all rights to regulate the CIMPA territory. If it relates to public health and safety, then we do. We retain regulatory rights to pass ordinances, rules, and regulations that pertain to health and safety. We do retain that right to regulate. And then the other point is, as far as eminent domain is concerned, if we recommend the CIMPA, and if City Council approves the CIMPA, the City Council would still be able to condemn if it needed to. But it would make it much more difficult. They would have to, at a minimum, obtain the consent of the advisory committee. There'd have to be a public hearing. And there'd have to be some other things happening in order for the city to be able to condemn property. If we don't do the CIMPA, then we would have the right to, if the use is for public use, and it's necessary, not just the city, but the others like the water conservancy district and the other actors would have those same rights. If we did not approve of the CIMPA, they would have to jump through additional groups. They would have to get permission from the city council, the advisory board, there'd have to be a public hearing, and there's some additional hoops.

Commissioner Juluson added that anyone on that side of having the property and eminent domain would rather have more public hearings and for entities to jump through more hoops to get the land. Sometimes they come through and kind of bully their way through and you're left trying to get all the scraps you can hold on to.

Commissioner Valenti commented that it's a relatively small piece of land in the town. If you look at the size of the town, even the developed part of the town is a few square miles. And we're talking about 115 or 16 acres of land of which already 45 or so are promised to the sand and gravel operation and future buildings. So that piece of land is already pretty much promised the way it is. It's going to be developed and it's going to become housing. The other piece of the property looks like deep canyons, high hills, even to put a road through those areas looks difficult. And if that's the best piece of property, then again, the standard for condemning it and taking it if there was nothing else available might actually be a little bit easier anyway. All of the safety issues, like trying to make sure that dust control, any technology that comes on board to improve health and safety issues for the people who live in the area, they've kind of gone a long way for that. We are a recommending body. We're not going to approve anything. The city council will. In looking at the findings he felt comfortable enough to make a motion if the committee wants to entertain it.

Commissioner Sherman Howard added that he has grown up in this area too. He understands wanting protection for previously owned properties like maybe a cattle ranch. When all the properties around it sell and the owner of the cattle ranch are being pressured to move their cattle, but they were there long before the subdivisions. We've got this good-looking subdivision down there, with the help of Interstate Rock and La Verkin working together for a master plan. It seems to be working out well, looks good, and they've been willing to help and work with us.

Fay added that before we get to the motion it would be a good idea to go over the findings and support the motion. We have just read in the conditions, but we ought to discuss the proposed findings. That's to make sure that our record reflects that we've talked about these things, we've covered all our bases in terms of defined criteria. We ought to take a moment just to be able to define this supportive motion.

Commissioner Valenti reads findings #1: Interstates Rocks, 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, 1741-101

Commissioner Juluson read #2: Interstate Rocks, 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.

Commissioner Bice read #3: Interstate Rock estimates that there is sufficient supply of sand, gravel, and rock to sustain extraction operations on the property for at least another 30 years.

Commissioner Richard Howard read #4: Although the property is on the R-A-1, Interstate Rock's sand, gravel, and rock extraction operation has been recognized by the city as a legal non-conformal use from the time of its annexation into the city of La Verkin. He commented there wasn't anything to discuss because they are grandfathered in.

Fay replied that the reason why that was included in the findings is that the first four findings are meant to reflect the five criteria of the Utah Code, and one of them is they want to know how it works. And so that's why that particular wording is included.

Commissioner Juluson asked since they are a non-conforming, does that exclude them from being eligible?

Fay answered it does not, or needing to be rezoned. They're offering now as a legal non-conforming use. If we grant the CIMPA, they'll be able to continue to do that. If we don't grant the CIMPA they'll be able to continue as a legal non-conforming use.

Commissioner Sherman Howard read #5: Because Interstate Rock is consistently complied with the state and federal standards with respect to safety, noise, and fugitive dust, Interstate Rock extraction operations have resulted in no significant safety or health concerns.

Commissioner Valenti read #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 in 2060 with much of that demand coming from construction projects located in eastern Washington County in close proximity to Interstate Rock's operations site.

Fay explained that information came from Chase Stratton in one of his earlier presentations, but it came from a study done by Stantec at the behest of the state legislature to study all these critical material operations. That's where that information came from.

Commissioner Juluson read #7: The land is viable for critical materials operation 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.

Commissioner Bice read # 8: Interstate Rock's purpose in requesting approval of the 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.

Commissioner Richard Howard reminded them about the story of the little house in the city when the city grew up around it and the house was surrounded. And Interstate Rock can't move itself, it has to stay there, and it's also providing necessary materials. We need Interstate Rock, what they provide down there is critical to the county, and we need to protect it, that's why House Bill 355 was written. The planning commission has a responsibility to protect Interstate Rock from capricious actions. We need to be able to have a planning commission or city leaders to have the ability to have roads in its general plan. And maybe those hoops are to prevent capricious acts. His point was to grant complete protection without the city getting something out of the deal, it isn't providing for the citizens that we're representing.

Commissioner Sherman Howard read #9: The operation of 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.

Commissioner Valenti commented that he thought this was the issue that started all the concerns, and it's been put to rest a long time ago. It's caused meeting after meeting after meeting, information on social media, etc. He was glad to see it in this document, and that they recognize there will be no batch or asphalt plant.

Commissioner Valenti read #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.

Fay commented that that was the point he made. We do give up some regulatory authority for CIMPA, but if it bears a direct relationship to health and safety, we can pass those regulations.

Commissioner Juluson read #11: Continued operations of extractions 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.

Commissioner Bice read #12: Continued operation of Interstate Rocks critical materials extraction operations will provide employment opportunities for La Verkin residents and will contribute to the healthy economy of La Verkin as well as all of Washington County.

**The motion was made by Commissioner John Valenti . As a result of the foregoing findings, the Planning Commission believes that the approval of the critical infrastructure materials protection area will be beneficial not only to the residents of La Verkin, but also to all residents of Washington County. So I hereby move that the Planning Commission recommend the approval of a CIMPA for Interstate Rock. With the conditions that we've discussed. Based on the findings, adding language to condition #8 to clarify as to the rights of the adjoining landlord vis-a-vis the 2006 agreement, second by Commissioner Juluson. Sherman Howard-yes, John Valenti-yes, Richard Howard-no, Juluson-yes, Bice-yes. The motion passed.**

**Adjourn:**

**The meeting adjourned at 6:40 p.m.**

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date Approved

**DRAFT**



## Planning Commission

<b>Agenda Date:</b>	July 9, 2025
<b>Application:</b>	
<b>Type of Application:</b>	Zoning
<b>Action Type:</b>	Creation of a new zone
<b>Applicant:</b>	Blair Gardner
<b>Agent:</b>	
<b>Request:</b>	Create a live-work zone
<b>Location:</b>	80 West Center
<b>Zoning:</b>	Existing Zoning is Commercial Retail
<b>General Plan Map:</b>	
<b>Recommendation:</b>	
<b>Report Prepared by:</b>	Derek

### Discussion:

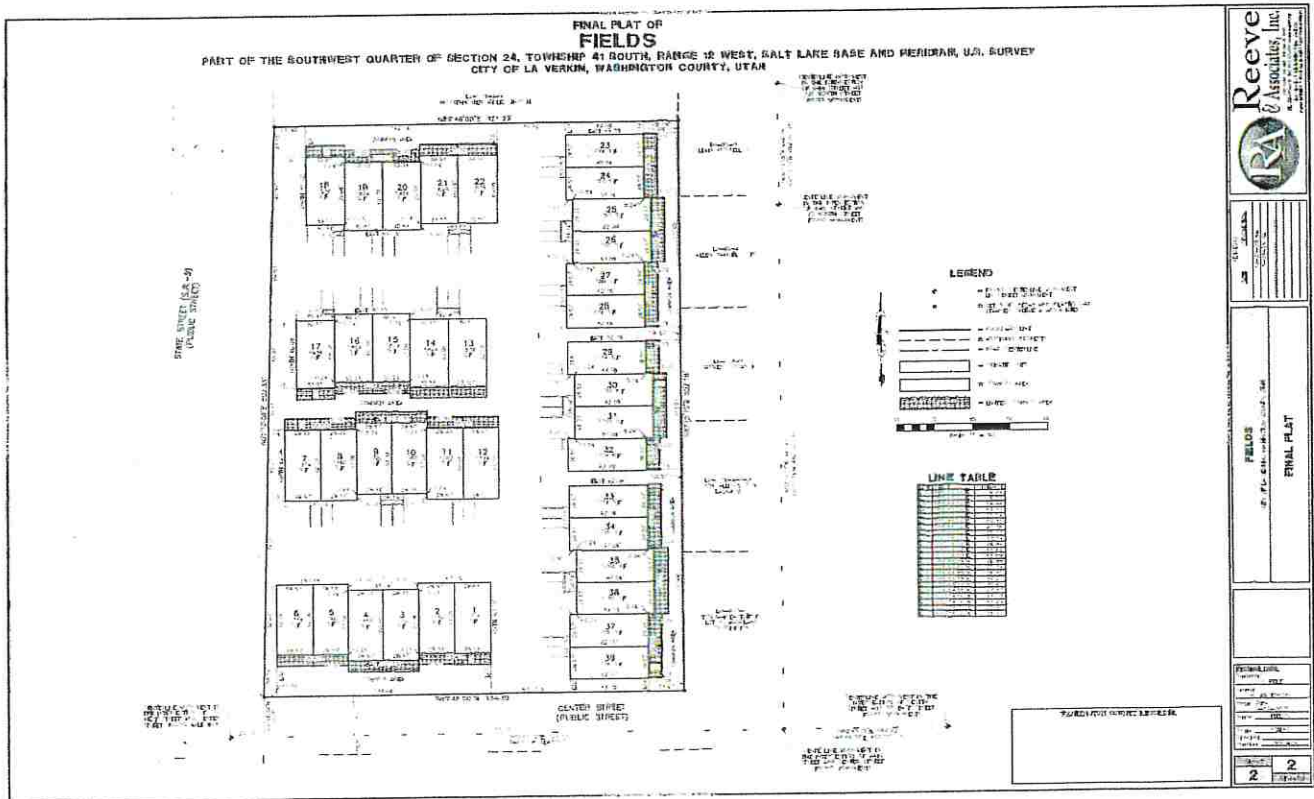
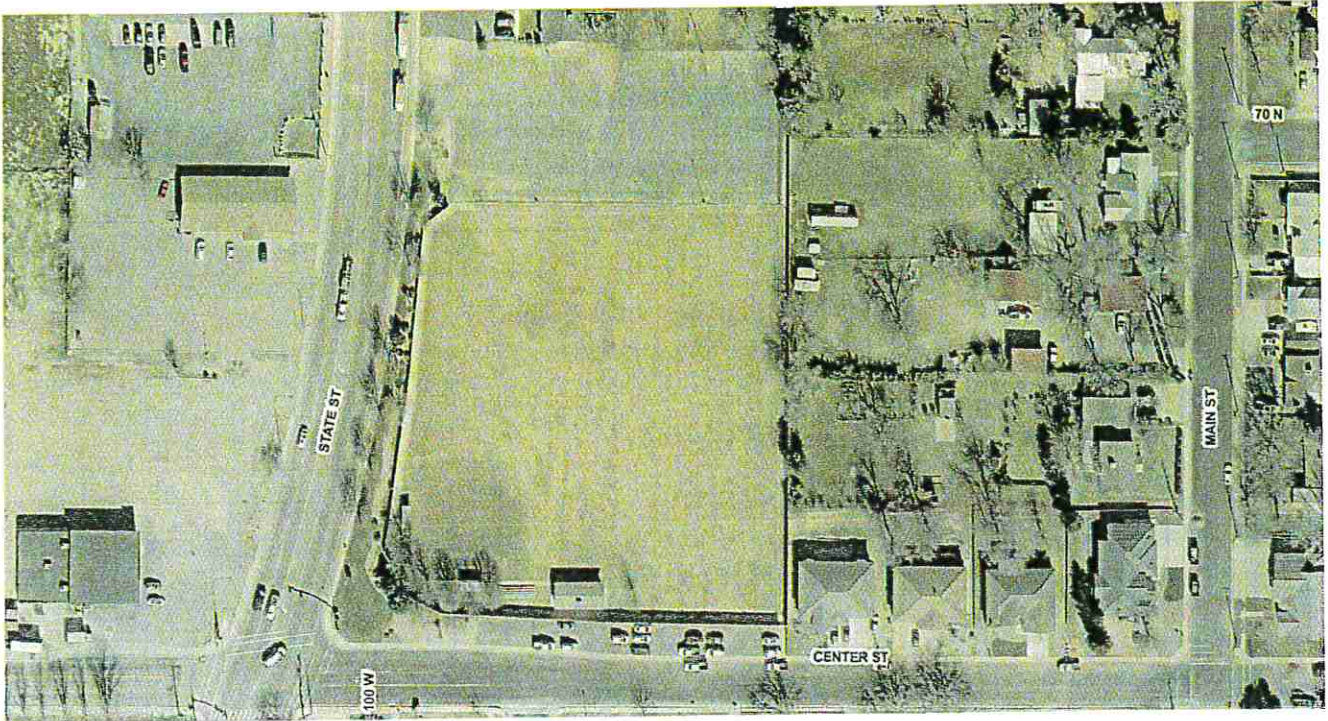
The applicant is requesting a zoning change for his property at 80 West Center Street, currently designated as Commercial Retail. He seeks to establish a live-work zone, a concept not yet recognized in our city's zoning regulations.

### JUC Comments: N/A

The following items will need to be addressed:

1. **Public Works:**
2. **Power:**
3. **Water:**
4. **Streets:**
5. **Sewer:**
6. **Engineering:**
7. **Fire:**
8. **Phone:**
9. **Cable:**
10. **Gas:**
11. **Water Conservancy:**

Picture or attachment:



**Staff Comments:**

Over the past five years, the concept of Live-Work has been a subject of discussion during work meetings with the City Council and Planning Commission. It has also appeared multiple times on the Planning Commission agenda as a discretionary item. The idea involves having commercial spaces on the main level with residential units permitted on the upper levels. This setup benefits business owners by eliminating the burden of paying both a mortgage and a lease for commercial property, allowing them to reinvest those savings back into their businesses. Additionally, this approach contributes to the development of a walkable downtown, as identified in the SR9 corridor study.

**Attachments:**

A Draft copy of the live-work ordinance is included.

**Recommendation:**

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

## **Section 1.0 Purpose**

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

## **Section 1.1 Definition-Requirements Live/Work Units**

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

### Live/Work Unit Requirements:

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

## **Section 1.2 Permitted/Prohibited Uses**

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

### **A. Use Finding**

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

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

## **B. Prohibited Uses**

The following uses are prohibited in the LW zone:

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

## **Section 1.3 Application Requirements**

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

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

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

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

#### **Section 1.4 Development Requirements/Standards**

##### **A. Setbacks**

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

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

**C. Density:** The maximum live/work unit density shall be 10 units per acre.

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

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





## Planning Commission

<b>Agenda Date:</b>	July 9, 2025
<b>Application:</b>	
<b>Type of Application:</b>	Zoning
<b>Action Type:</b>	Creation of a new allowance within the Commercial retail zone
<b>Applicant:</b>	Dave Hilliard
<b>Agent:</b>	
<b>Request:</b>	Create a mixed-use allowance within the Commercial retail zone
<b>Location:</b>	500 North State
<b>Zoning:</b>	Commercial Retail
<b>General Plan Map:</b>	
<b>Recommendation:</b>	
<b>Report Prepared by:</b>	Derek

### Discussion:

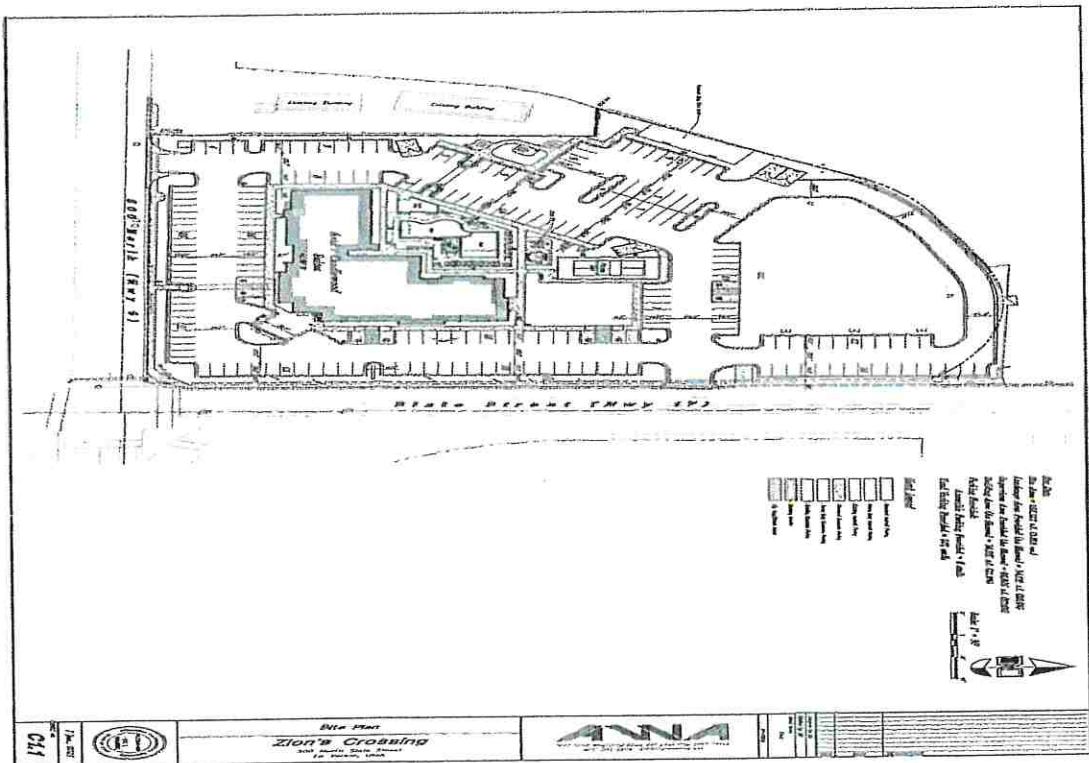
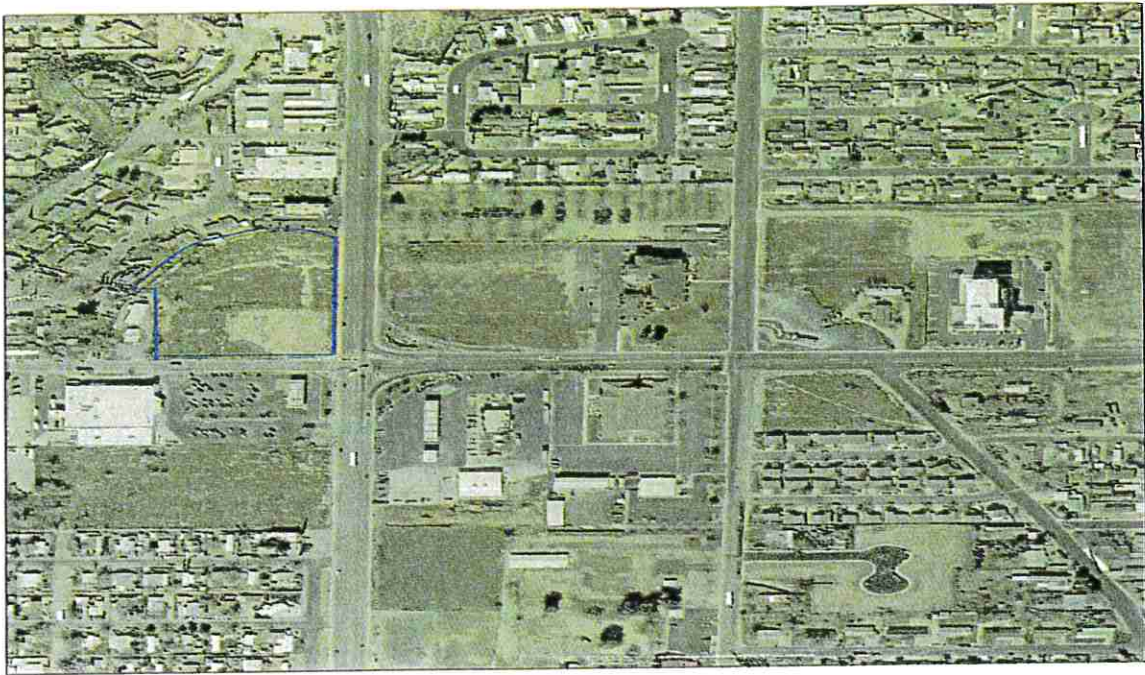
The applicant is requesting an allowance for a mixed-use development within the Commercial Retail Zone. The hotel will be located in the southwestern portion of the property, while the mixed-use area will be situated in the northern part. The ground floor of the mixed-use area will be designated for commercial purposes, with residential units planned for the upper floors.

### JUC Comments: N/A

The following items will need to be addressed:

1. **Public Works:**
2. **Power:**
3. **Water:**
4. **Streets:**
5. **Sewer:**
6. **Engineering:**
7. **Fire:**
8. **Phone:**
9. **Cable:**
10. **Gas:**
11. **Water Conservancy:**

Picture or attachment:



**Staff Comments:**

Over the past five years, the concept of mixed-use development has been a recurring topic in our meetings with the City Council and Planning Commission. It has frequently appeared on the Planning Commission's agenda as a discretionary item. This concept involves having commercial spaces on the ground floor and residential units on the upper levels. This arrangement not only makes commercial properties more appealing to investors but also helps developers recover their investments more quickly, allowing them to reinvest in additional projects within the city. Moreover, this approach supports the goal of creating a walkable downtown, as highlighted in the SR9 corridor study.

**Attachments:**

A Draft copy of the mixed-use ordinance is included.

**Recommendation:**

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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.
- I. **Open space:** Two hundred (200) square feet of active open space is required per dwelling unit. One hundred (100) square feet shall be in a private patio area for the exclusive use of each dwelling unit occupant. One hundred (100) square feet shall be provided in a common recreation area.
- J. **Common recreation area:** Amenities in the common recreation area may consist of a pool, play area, tennis courts, barbeque areas, canopies, enclosed gym and workout areas, recreation rooms or any combination of the aforementioned and/or alternatives as approved by the city.
- K. **Storage areas:** If no enclosed garage is provided for each unit, 250 cubic feet of enclosed storage shall be provided per unit. This storage is in addition to room closets, coat closets, water heater closets, etc.
- L. **Loading areas:** Loading spaces shall be provided at a ratio of one for every 15,000 square feet of commercial floor area or as determined by the city. Loading space size shall be 10 feet by 20 feet. This loading space requirement is in addition to the resident/tenant parking requirement outlined in the parking requirement above.
- M. **Trash enclosures:** One trash dumpster bin (four yard minimum) located in a decorative enclosure shall be provided for every 20 dwelling units. Additional trash bins shall be required for commercial uses as determined by the city.
- N. **Development agreement:** A development agreement is required for review and approval in the MU zone (Reference LVMC Section 10-6G3-7).
- O. **Homeowner's association – for sale housing/property owner's association:** Establishment of a homeowner's association/property owner's association is required for attached units, condominium housing and commercial development as determined by the city.

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