springville
ART CITY

CITY COUNCIL

AUGUST 4, 2026

WHY ARE WE HERE TONIGHT?

- 2025 Utah Legislature passed a law to preempt cities' authority regarding critical infrastructure materials operations.
- What is a critical infrastructure operations?
  - "Critical infrastructure materials use" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
  - "Critical infrastructure materials" means sand, gravel, or rock aggregate.

WHAT DOES THE 2025 LAW DO?

- Vests Critical Infrastructure Materials use.
- “Progress, extend, enlarge, grow, or expand the vested critical infrastructure materials use to any contiguous land that the critical infrastructure materials operator owns or controls before May 7, 2025.”

PROPERTY OWNED BEFORE MAY 7, 2025



QUICK OVERVIEW

Operator owns property prior to May 7, 2025.

Operator notifies City of intent to expand onto new land

Within 30 days Council holds a public meeting or hearing

Council determines if expansion will endanger public health, safety, or welfare

If no, Council does nothing and operator expands use

If yes, Council develops mitigation measures (no stricture than state permits).

Operator may agree to measures and expand.

PROCESS FOR EXPANDING THE USE ONTO NEW LAND

- "presumed to have the right to expand the vested critical infrastructure materials use to new land."
- **Process:**
  - Provide notice of "intent to expand the vested critical infrastructure use."
  - Council is to hold a "public meeting or hearing" at the "next available meeting that is not later than 30 days after receiving the notice."
  - The public meeting or hearing "serves to provide sufficient public notice of the critical infrastructure materials operator's intent to expand" the use to new land.

PUBLIC HEARING PROCESS

- After holding the public hearing:
  - "operator may expand" its "use to new land without any action by" the Council.
  - **UNLESS** the Council "finds by a preponderance of evidence on the record that the expansion tot eh new land will endanger the public health, safety, and welfare."

PUBLIC HEARING

- Preponderance of Evidence - means to prove that it is more likely true than not true.
  - Which way does the evidence make the scale tip, even slightly tip?
  - Requires greater than a 50% chance that the claim is true.
- On the Record

PUBLIC HEARING

"Endanger the public health, safety, and welfare."

- Welfare – order, comfort, convenience, quality of life, general prosperity, etc.

PUBLIC HEARING

- **If Council finds by a preponderance of evidence on the record that the expansion to new land will endanger the public health, safety, and welfare:**
  - User provides their operator's plan for expansion;
  - Within 90 days, the Council will notify the operator:
    - "evidence that the expansion to new land will endanger the public health, safety, and welfare; and
    - propose measure to mitigate the endangerment of the public health, safety, and welfare; and
    - . . . hold a public by no later than 30 days after the date the [Council] . . . Presents mitigation measures proposed."
  - Imposed mitigation measures must be "reasonable and not exceed requirements imposed by permits issued by state agency such as an air quality permit."
  - Council may not prohibit the expansion of a vested critical infrastructure materials use if the operator agrees to comply with mitigation measures.

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