

TOQUERVILLE CITY PLANNING COMMISSION

July 10, 2024 at 6:00 p.m.

212 N. Toquer Blvd.
Toquerville, Utah 84774

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING WILL BE HELD ON THE FOLLOWING ITEMS DURING THE REGULAR PLANNING COMMISSION MEETING JULY 10, 2024 CONVENING AT 6:00 P.M.:

1. Public input is sought on Ordinance 2024.XX – Amending and restating Toquerville City Code 5-1-4: Care and Keeping of Animals and Livestock to establish standards for the keeping of chickens.
2. Public input is sought on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-10A: R-1 Single-Family Residential District to create an allowed use table and modify permitted and conditional uses.
3. Public input is sought on a zone change application submitted by Ronald Duerksen. Tax ID #: T-3-0-27-411. The current zoning is H-C Highway Commercial, the proposed zoning is M-1 Light Industrial.

Copies of applications and ordinance drafts are available for review at the Toquerville City Office (212 North Toquer Boulevard)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Daisy Fuentes at the City Office 635-1094, at least 48 hours in advance. This Notice will be posted on the State website at <http://pmn.utah.gov>, posted on the Toquerville City website at www.toquerville.org, and the City Office Board this June 27, 2024, by Toquerville City Recorder, Daisy Fuentes.

TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING AND RESTATING **TITLE 5 CHAPTER 1 SECTION 4 OF THE TOQUERVILLE CITY CODE TO ESTABLISH STANDARDS FOR THE KEEPING OF CHICKENS.**

RECITALS

WHEREAS Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT. **TITLE 5 CHAPTER 1 SECTION 4** of the Toquerville City Code is hereby amended and restated in its entirety as follows:

5-1-4: CARE AND KEEPING OF ANIMALS AND LIVESTOCK:

A. The keeping of livestock shall be a permitted use in the Agricultural District or Zone. The keeping of livestock shall be a conditional use in the Single-Family Residential Districts as specified in section 10-10A-3 of this Code.

B. For the keeping of chickens in the Single-Family Residential Districts, the following standards shall apply:

a. Chickens may only be kept on lots that are 12,000 square feet or larger.

b. No roosters in Single-Family Residential Districts.

c. No more than 20 chickens may be kept on a qualifying lot.

d. Chickens shall be housed in a secure outdoor enclosure, equipped with a covered, well-ventilated, and predator-resistant coop, pen, or cage. This enclosure shall be restricted to the rear or backyard of the dwelling, maintaining a minimum distance of 20 feet from any neighboring lot line. The structure shall not exceed 8 feet in height or occupy an area larger than 120 square feet.

e. All coops, pens, or cages, along with their surrounding areas, shall be kept in a condition that prevents the excessive buildup of waste or debris, or any conditions that could result in unpleasant odors, thereby ensuring the health, safety, and comfort of adjoining properties.

BC. For the keeping of livestock in the Single-Family Residential Districts, a conditional use permit, with payment of required fees, must be reviewed and approved by the city staff. A conditional use applicant dissatisfied

with the determination or interpretation by the city staff may appeal that determination and/or interpretation of this Code to the Planning Commission. Permits may be reviewed annually for Code compliance.

GD. Number:

1. The number of domesticated animals which may be maintained on the property shall be determined on the basis of point. No parcel of property shall exceed one hundred (100) points per acre (or a fractional share thereof) based on the following or a proportionate combination thereof, considering the size of the parcel or set of parcels concerned (e.g., 0.25 acre x 100 = 25 animal points). 1 Acre = 43,560 square feet. .5 acre = 21,780 square feet.
2. Type of animal or fowl/number of points per animal:
 - a. Cow (bovine), horse (equine), donkey, mule, or similar large animal (25 points).
 - b. Miniature horses, ponies, goats, llamas, alpacas, and/or similar medium size animals (12 points).
 - c. Ostriches or other similar large fowl (12 points).
 - d. Turkeys, geese, pheasants, and similar medium size fowl (4 points).
 - e. ~~Chickens, and~~ Ducks, pigeons, doves, or similar small fowl (3 points).
 - f. Rabbits or similar small domesticated or farm animals (3 points).
 - g. For animals not specified above, the Planning Commission shall determine the type and number of points per animal. A property owner dissatisfied with the determination or interpretation of the Planning Commission may appeal that determination and/or interpretation of this Code to the appeal authority in accordance with the procedures and provisions of chapter 4 of this title.
3. The unweaned offspring of a residing animal or fowl, under six (6) months of age, shall be excluded from consideration for the purpose of determining compliance with this section.
4. Residential Beekeeping shall be limited to not more than three (3) hives and in accordance with the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended. Beehives are to be kept in side or rear yard and at least ten (10) feet away from any adjoining property line.
5. For residentially zoned properties (one or more adjacent lots under the same ownership or tenancy and referring to usable acreage vs. deeded acreage):
 - a. That are less than one-half (1/2) acre in size, no large or medium size animals or large or medium sized fowl shall be allowed.
 - b. That are ten thousand (10,000) square feet in size, or smaller, a maximum number of animals and/or fowl equivalent to a total of twelve (12) points under the terms of this section are allowed, subject to the following:
 - (1) No medium size animals or medium sized fowl shall be allowed on the property; and
 - (2) No animals other than household pets shall be allowed on properties that are six thousand (6,000) square feet or smaller in size.
6. The following animals may not be maintained on the property: exotic

animals, wild animals, dangerous animals, pigs (porcine), mink, and peacocks.

7. *Adequate containment of the animal(s) shall be provided by the applicant.*
8. *Manure shall be cleaned at least weekly and odors shall be controlled.*
9. ~~*Chickens must not be in the front yard; No rooster or peafowl in all residential zones;*~~ *in Agricultural Zones roosters and peafowl are allowed.*

2. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this ____day of _____ 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Daisy Fuentes, Toquerville City Recorder

TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY **TITLE 10, CHAPTER 10, ARTICLE A OF THE TOQUERVILLE CITY CODE TO CREATE AN ALLOWED USE TABLE AND MODIFY PERMITTED AND CONDITIONAL USES.**

RECITALS

WHEREAS Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT. **TITLE 10, CHAPTER 10, ARTICLE A** of the Toquerville City Code is hereby amended and restated in its entirety as follows:

**ARTICLE A. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
SECTION:**

10-10A-1: Purpose

10-10A-2: ~~Permitted Uses~~ Allowed Use Table

~~10-10A-3: Conditional Uses~~

10-10A-~~4~~3: Physical Restrictions

10-10A-~~4~~1 3-1: R-1-12 District (12,000 Square Feet)

10-10A-~~4~~1 3-2: R-1-15 District (15,000 Square Feet)

10-10A-~~4~~3 3-3: R-1-20 District (20,000 Square Feet)

10-10A-1: PURPOSE:

The R-1 District is intended to provide sites for low density single-family residential uses, together with such public facilities as may appropriately be located in the same district. The R-1 District regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with single-family occupancy, and, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district. (Ord. 2012.04, 1-18-2012)

10-10A-2: ALLOWED USE TABLE:

Only the following uses set forth in the table below are allowed in ~~Planned Commercial~~ Residential Districts. Any use not specified as permitted, conditional, or conditional with standards/permit is deemed prohibited.

USE	
Accessory buildings and uses customarily and incidental to the permitted and conditional uses allowed herein.	P
Home occupations (with current home occupation ~~permit~~ license).	P
Household pets, as allowed under Title 5, Chapter 1, "Animal Control", of this Code.	P
Rentals of single-family residences in excess of ninety (90) consecutive days.	P
Single-family dwellings (one per lot/parcel)	P
Tilling of the soil, raising crops, horticulture, and gardening.	P
The keeping of chickens (hens only) per 5-1-4B.	P
Public or quasi-public building for essential public services.	P
Public utility uses.	P
Child daycare or nursery	C
Churches	C
Model homes	C
Private recreational grounds and facilities not open to the general public and to which no admission charge is made.	C
Public or private schools.	C
Residential facility for persons with a disability (see 10-17-2)	CS
Single-family and multi-family dwellings located above commercial space.	C

The keeping of livestock in accordance with section 5-1-4.	CS
Other uses similar to the permitted uses above and judged to be in harmony with the character and intent of this zone.	C
Legend: P = Permitted Use, C = Conditional, CS = Conditional with Standards or Permit, ~~NA = Not Allowed~~	

~~10-10A-2: PERMITTED USES:~~

~~Accessory buildings and uses customarily and incidental to the permitted and conditional uses allowed herein.~~

~~Home occupations (with current home occupation permit).~~

~~Household pets, as allowed under title 5, chapter 1, "Animal Control", of this Code.~~

~~Rentals of single-family residences in excess of ninety (90) consecutive days.~~

~~Single-unit dwellings and other uses customarily incidental and accessory to single-family residential uses and necessary for the operation thereof (garages or carports, play equipment, etc.).~~

~~Tilling of the soil, raising crops, horticulture and gardening.~~

~~Public or quasi-public building for essential public services.~~

~~Public utility uses. (Ord. 2019.03, 5-9-2019; amd. Ord. 2021.13, 7-21-2021)~~

~~10-10A-3: CONDITIONAL USES:~~

~~Child daycare or nursery.~~

~~Churches.~~

~~Model homes.~~

~~Private recreation grounds and facilities not open to the general public and to which no admission charge is made.~~

~~Public or private schools.~~

~~Residential facility for persons with a disability 1. This use shall require a permit under section 10-17-2 of this title.~~

~~Single-family and multi-family dwellings located above commercial space.~~

~~The keeping of livestock in accordance with section 5-1-4 of this Code.~~

~~Other uses similar to the permitted uses above and judged to be in harmony with the character and intent of this zone. (Ord. 2019.03, 5-9-2019; amd. Ord. 2021.13, 7-21-2021)~~

Notes

1 1. UCA § 10-9a-520.

~~10-10A-4-1 3-1~~: PHYSICAL RESTRICTIONS:

~~10-10A-4-1 3-1~~: R-1-12 DISTRICT (12,000 SQUARE FEET):

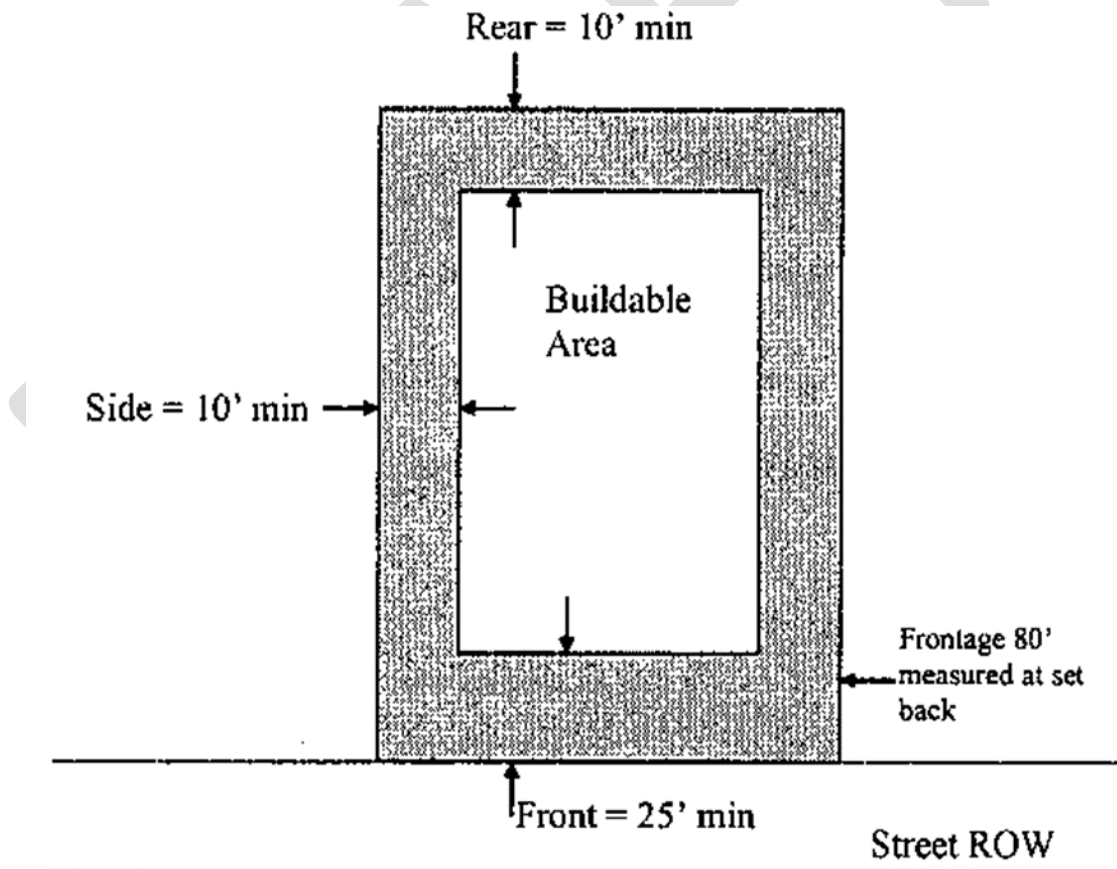
Minimum lot area 12,000 square feet

Minimum frontage 80 feet (except corner lots 90 feet). Minimum

frontage may be reduced by 30% on a cul-de-sac lot, as measured along the line that follows the minimum front setback for the lot and as long as the total lot area exceeds 12,000 square feet

<i>Minimum setbacks</i>	<i>Front: 25 feet Side: 10 feet Rear: 10 feet</i>
<i>Setback exception</i>	<i>Driveway, walkway</i>
<i>Maximum height</i>	<i>35 feet (see definition of building height, section 10-2-1 of this title) (exception - church steeples)</i>
<i>Parking</i>	<i>In accordance with section 10-21-13 of this title</i>
<i>Minimum road setback</i>	<i>25 feet from any dedicated street or highway</i>
<i>Secondary structure height</i>	<i>Up to 18 feet - permitted 18 feet to 35 feet - conditional Above 35 feet - not allowed</i>
<i>Secondary structure setback</i>	<i>Front: 25 feet Side: 5 feet Rear: 5 feet</i>

(Ord. 2018.08, 12-13-2018)

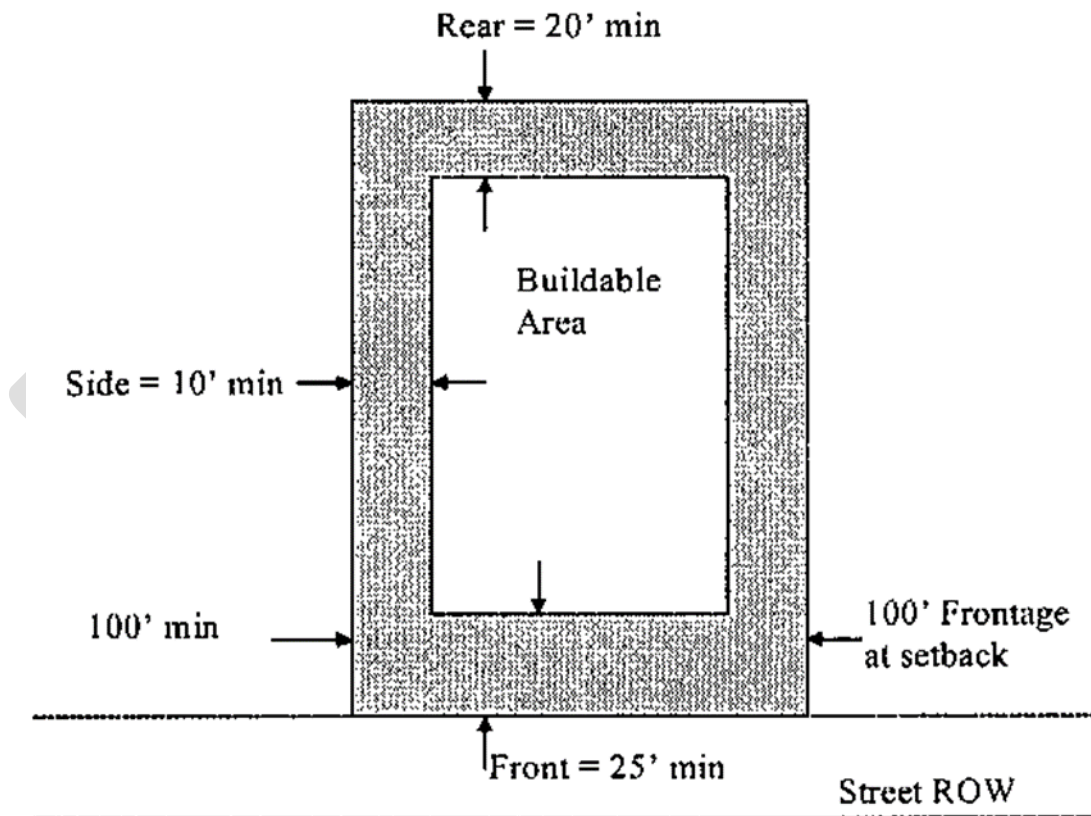


(Ord. 2012.04, 1-18-2012)

10-10A-4-1 3-2: R-1-15 DISTRICT (15,000 SQUARE FEET):
Minimum lot area 15,000 square feet

<i>Minimum frontage</i>	<i>90 feet (except corner lots 100 feet) measured at setback</i>
<i>Minimum setbacks</i>	<i>Front: 25 feet Side: 10 feet Rear: 15 feet</i>
<i>Setback exception</i>	<i>Driveway, walkway</i>
<i>Maximum height</i>	<i>35 feet (see definition of building height, section 10-2-1 of this title)</i>
<i>Parking</i>	<i>In accordance with section 10-21-13 of this title</i>
<i>Minimum road setback</i>	<i>25 feet from any dedicated street or highway</i>
<i>Secondary structure height</i>	<i>Up to 18 feet 18 feet to 35 feet conditional Above 35 feet not allowed</i>
<i>Secondary structure setback</i>	<i>Front: 25 feet Side: 5 feet Rear: 5 feet</i>

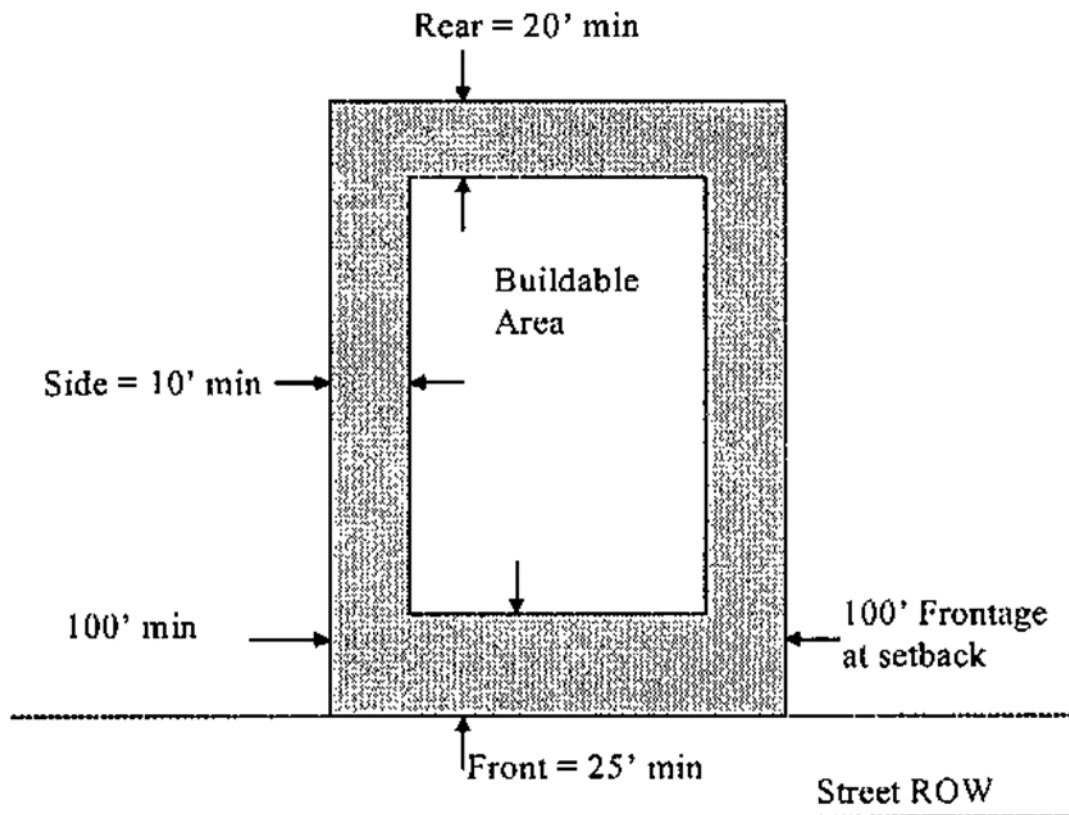
(Ord. 2012.04, 1-18-2012)



10-10A-4-3 3-3: R-1-20 DISTRICT (20,000 SQUARE FEET):

<i>Minimum lot area</i>	<i>20,000 square feet</i>
<i>Minimum frontage</i>	<i>100 feet (except corner lots 110 feet) measured at setback</i>

Minimum setbacks	Front: 25 feet Side: 10 feet Rear: 20 feet
Setback exception	Driveway, walkway
Maximum height	35 feet (see definition of building height, section 10-2-1 of this title)
Parking	In accordance with section 10-21-13 of this title
Minimum road setback	25 feet from any dedicated street or highway
Secondary structure height	Up to 18 feet 18 feet to 35 feet conditional Above 35 feet not allowed
Secondary structure setback	Front: 25 feet Side: 5 feet Rear: 5 feet



(Ord. 2012.04, 1-18-2012)

2. **REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. **SEVERABILITY.** Should any provision, clause or paragraph of this Ordinance or the

application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this ____ day of _____ 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Daisy Fuentes, Toquerville City Recorder

Toquerville City ZONE CHANGE APPLICATION

Fee: \$1,200.00



Name: Ronald Duerksen Telephone: [REDACTED]

Address: 3670 South 2140 East Fax No. _____

Agent (If Applicable): Brandon Price Telephone: (435) 272-7751

Email: bprice@naiaexcel.com, derek.hall@imeautomation.com

Address/Location of Subject Property: Anderson Junction

Tax ID of Subject Property: T-3-0-27-411 Existing Zone District: Highway Commercial

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary):

BMP Business and Manufacturing zone

Submittal Requirements: The zone change application shall provide the following:

- ☒ a. The name and address of every person or company the applicant represents;
- ☒ b. An accurate property map showing the existing and proposed zoning classifications;
- ☒ c. All abutting properties showing present zoning classifications;
- ☒ d. An accurate legal description of the property to be rezoned;
- ☒ e. Stamped envelopes with the names and addresses of all property owners within 300 feet of the boundaries of the property proposed for rezoning;
- ☒ f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property.

Additional fees may include the cost of amending the official zoning map, County recording fees, Attorney and engineering fees, General Plan and other city plan amendments.

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

pd check# [REDACTED] (Office Use Only)

DATE RECEIVED: 5/30/2024 COMPLETE: YES ☒ NO _____

DATE APPLICATION DEEMED TO BE COMPLETE: 6-3-2024 6-26-24

COMPLETION DETERMINATION MADE BY: Rhee Stuehls M. W. L.
Signature

ZONE CHANGE APPLICATION (General Information)

PURPOSE

All lands within the City are zoned for a specific type of land use (single family residential, multi-family, commercial, industrial, etc). Zoning occurs as a means to provide for a relationship between various types of land uses which promotes the health, safety, welfare, order, economics, and aesthetics of the community. Zoning is one of the main tools used to implement the City's General Plan.

WHEN REQUIRED

A zone change request is required any time a property owner desires to make a significant change to the use of his/her land. The change may be from one zone density (say 1 acre lots) to smaller lots (10,000 square foot lots). Or, it may be to an entirely different type of use, such as a change from single family zoning to multiple family or commercial zoning. Since the zone applied to your land limits what you can do, a rezoning application is typically the first step toward a change.

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE

When approving a zone change the following factors should be considered by the Planning Commission and City Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives and Policies of the City's General Plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

PROCESS

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report, and forward a recommendation to the City Council of approval, approval with modifications, or denial the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the City Council will consider and act on the Commission's recommendation. The action of the City Council is final. If denied, a similar application generally cannot be heard for a year.

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)

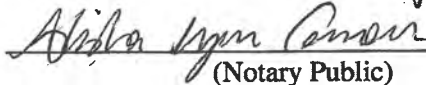
COUNTY OF Salt Lake ^{SS}

I (we), Ronald Duerksen, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Toquerville City Planning staff have indicated they are available to assist me in making this application.

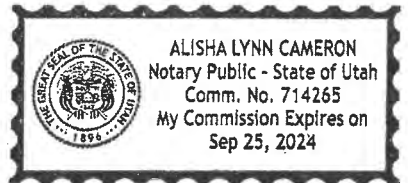


(Property Owner)

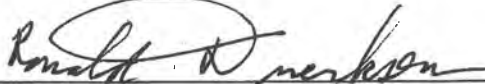
(Property Owner)

Subscribed and sworn to me this 29th day of May 2024.


(Notary Public)

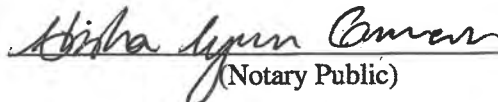
Residing in: UtahMy Commission Expires: 09/25/2024Agent Authorization

I (we), Ronald Duerksen, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Brandon Price to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

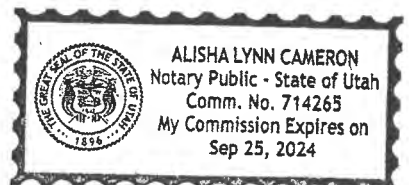


(Property Owner)

(Property Owner)

Subscribed and sworn to me this 29th day of May 2024.


(Notary Public)

Residing in: UtahMy Commission Expires: 09/25/2024

PROFESSIONAL FEES AGREEMENT WITH TOQUERVILLE CITY

This agreement is entered into this 29th day of May 2024, between Ronald Duerksen (name/s) of Salt Lake County (County) of Utah (State) (hereinafter referred to as "Applicant"), and Toquerville City, a municipal corporation of the State of Utah, located in Washington County (hereinafter referred to as the "City"). Subdivider, on behalf of it/himself, its/his heirs, successors and assigns, hereby acknowledges, covenants, and agrees that:

- 1) Applicant is aware of the City Code website application page and shall in all respects comply with the provisions contained therein.
- 2) All on-site and off-site improvements required to be constructed in connection with said application shall be constructed and installed in accordance with current construction requirements and comply with the Toquerville Standards and Specifications.
- 3) In the event that action is required to be taken by Toquerville to enforce, approve, or double check the terms of this agreement, Applicant agrees that it/he shall be liable to pay all such costs and expenses incurred by Toquerville City.
- 4) Applicant agrees to pay all fees associated with this application as outlined in the current Land Use Fee Schedule and fees accrued to Toquerville City.

DATED this 29th day of May 2024

Ronald Duerksen
Applicant

Applicant

City Representative

Title

STATE OF UTAH)

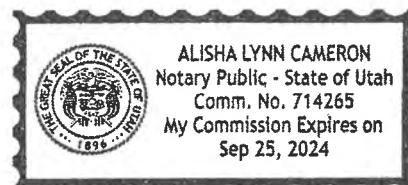
COUNTY OF Salt Lake) : ss.

~~WASHINGTON~~)

On the 29th day of May, 2024, personally appeared before me, the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the Subdivider.

Alisha Lynn Cameron
NOTARY PUBLIC

(SEAL)



**ADDENDUM NO. 2
TO
REAL ESTATE PURCHASE CONTRACT**

THIS IS AN ☐ **ADDENDUM** ☐ **COUNTEROFFER** to that REAL ESTATE PURCHASE CONTRACT (the "REPC") with an Offer Reference Date of April 16, 2024, including all prior addenda and counteroffers, between IME Automations and/or assigns as Buyer, and Ronald G Duerkson Trust as Seller, regarding the Property located at 6.54 acres Anderson Junction. The following terms are hereby incorporated as part of the REPC:

1. Seller to cooperate with Buyer on rezone from Highway Commercial to Light Industrial. This to be solely at Buyer's expense.
2. Once Re-Zoning is approved, the Buyer will deposit and additional \$10,000 Earnest money and all Earnest Money will immediately be released to Seller.
3. All Earnest Money will go toward purchase price.

BUYER AND SELLER AGREE THAT THE CONTRACT DEADLINES REFERENCED IN THE REPC ABSTRACT (CHECK APPLICABLE BOX): ☐ **REMAIN UNCHANGED** ☐ **ARE CHANGED AS FOLLOWS:** _____

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the REPC, including all prior addenda and counteroffers, these terms shall control. All other terms of the REPC, including all prior addenda and counteroffers, not modified by this ADDENDUM shall remain the same. ☐ **Seller** ☐ **Buyer** shall have until **5:00 PM** in the time zone where the property is located on June 5, 2024 (Date), to accept the terms of this ADDENDUM. Unless so accepted, the offer as set forth in this ADDENDUM shall lapse and previous terms still apply.

DocuSigned by:

Leo Wright

May-23-2024 | 18:26 PDT

☒ **Buyer** ☐ **Seller** Signature (Date) (Time) ☐ **Buyer** ☐ **Seller** Signature (Date) (Time)

ACCEPTANCE/COUNTEROFFER/REJECTION

CHECK ONE:

☒ **ACCEPTANCE:** ☒ **Seller** ☐ **Buyer** hereby accepts the terms of this ADDENDUM.

☐ **COUNTEROFFER:** ☐ **Seller** ☐ **Buyer** presents as a counteroffer the terms of attached ADDENDUM NO. ____.

Ronald G Duerkson 29 May 24 6:13
(Signature) (Date) (Time) (Signature) (Date) (Time)

☐ **REJECTION:** ☐ **Seller** ☐ **Buyer** rejects the foregoing ADDENDUM.

(Signature) (Date) (Time) (Signature) (Date) (Time)

IME Automation
2417 West 350 North #2
Hurricane, UT 84737

Derek Hall
315 West 900 North
La Verkin, UT 84745

Leo Wright
310 West 600 North
La Verkin, UT 84745

APCO
710 South Redwood Rd.
North Salt Lake City, UT 84054

Eric Smith
39 Florentine Ln
Centerville, UT 84014

Warranty Deed Page 1 of 2

Russell Shirts Washington County Recorder

08/28/2020 01:19:39 PM Fee \$40.00 By US TITLE

INSURANCE AGENCY

WHEN RECORDED MAIL TO

AND MAIL TAX NOTICE TO:

Ronald G. Duerksen, MD, as Trustee of the
 Ronald G. Duerksen, MD, PC Profit Sharing
 Plan, Pension Plan and Trust
 Vacant
 UT

WARRANTY DEED

File No.: 011271

APN: 4225-F-HV

**Ronald G. Duerksen, MD, as Trustee of the Ronald G. Duerksen, MD, PC Profit Sharing Plan,
 Pension Plan and Trust, dtaed April 11, 1981**

Grantor(s), of , Washington County, State of Utah, hereby convey(s) and warrant(s) to

Ronald G. Duerksen, MD,

Grantee(s), of , Washington County, State of Utah, for the sum of ten dollars and other good and valuable
 consideration, the following tract of land located in Washington County, Utah, to wit:

See Exhibit A attached hereto and made a part hereof.

Subject to easements, restrictions, reservations and rights of way appearing of record.

Witness the hand(s) of said Grantor(s) this 22 day of July, 2020, 2019.

Ronald G. Duerksen, MD, as Trustee of the
 Ronald G. Duerksen, MD, PC Profit Sharing
 Plan, Pension Plan and Trust

BY:

Ronald G. Duerksen
 Ronald G. Duerksen, MD as Trustee

STATE OF

Utah

:ss)

COUNTY OF

Washington

The foregoing instrument was acknowledged before me the 22 day of July, 2020, by Ronald G. Duerksen, MD, as Trustee of the Ronald G. Duerksen, MD, PC Profit Sharing Plan,
 Pension Plan and Trust. dated April 11, 1981

 Notary Public

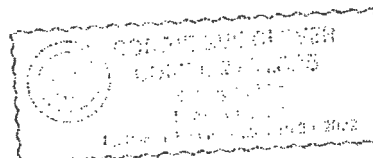


EXHIBIT "A"

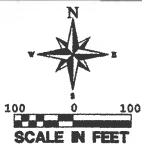
Parcel 1:

The North One-half of the Northeast Quarter of the Northeast Quarter (N1/2 NE1/4 NE1/4) of Section 20, Township 43 South, Range 14 West, Salt Lake Base and Meridian.

Parcel 2:

A 29.00 foot right-of-way for ingress, egress and utilities, and rights incidental thereto, over the West 29.00 feet of the South One-half of the Northeast Quarter of the Northeast Quarter (S1/2 NE1/4 NE1/4) and Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), lying North of the existing county road.

Situated in Washington County, State of Utah



ZONE CHANGE FOR: IME AUTOMATIONS

LOCATED IN SECTION 27, T40S, R18W, S1&B.M.
TOQUERVILLE CITY, WASHINGTON COUNTY, UTAH

OWNER(S):

DEREK HALL
2417 W 350 N #2
(435) 650-8188
DEREK.HALL@IMEAUTOMATION.COM

OWNERS LEGEND:

- A DUERKSEN RONALD G TR - PARCEL: T-3-0-27-411
- B WASHINGTON COUNTY WATER CONSERV DIST - PARCELS: T-3-0-27-412, T-3-0-27-420, T-3-0-27-424, T-3-0-27-131
- C EVOLUTION HOLDINGS L C - PARCEL: T-3-0-27-415
- D GRAFF J GREGORY - PARCEL: T-3-0-27-413
- E WATHEN MATT & SUSAN P TRS - PARCELS: T-3-0-27-414, T-3-0-22-233
- F TOQUERVILLE WEST LLC - PARCEL: T-3-0-22-322
- G DESERT SANDS DEVELOPMENT II LLC - PARCEL: T-3-0-22-3212

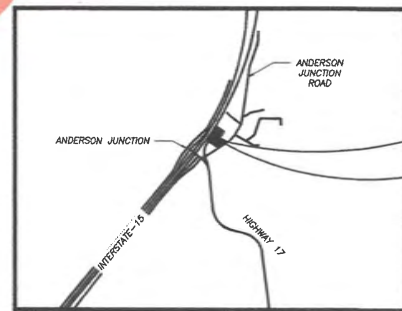
ZONE LEGEND:

- HIGHWAY COMMERCIAL
- SINGLE FAMILY R-120
- BMP BUSINESS AND MANUFACTURING
- PROPOSED PROPERTY TO CHANGE FROM
- HIGHWAY COMMERCIAL TO BMP BUSINESS & MANUFACTURING ZONE

LEGAL DESCRIPTION (DOC#00568040)

BEGINNING AT A POINT WHICH IS SOUTH 0°03'37" EAST ALONG THE CENTER SECTION LINE 1256.53 FEET, AND WEST 559.135 FEET FROM THE NORTH 1/4 CORNER OF SECTION 27, TOWNSHIP 40 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 58°18' WEST 402.15 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE I-15 FREEWAY; THENCE NORTH 25°35'00" EAST ALONG SAID RIGHT OF WAY LINE 416.47 FEET TO A U.D.O.T. RIGHT OF WAY MARKER; THENCE NORTH 26°03' EAST ALONG SAID RIGHT OF WAY LINE 120.90 FEET; THENCE SOUTH 58°18' EAST 343.58 FEET TO THE MOST NORTHERLY CORNER OF THE GRAFF PROPERTY AS DESCRIBED IN THE OUT CLAIM DEED RECORDED IN BOOK 779, PAGE 102, WASHINGTON COUNTY RECORDER'S OFFICE; THENCE SOUTH 31°42' WEST ALONG THE WESTERLY LINE OF SAID GRAFF PROPERTY 277.83 FEET; THENCE SOUTH 58°18'00" EAST 297.40 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF OLD STATE HIGHWAY 91, SAID POINT BEING ALSO ON A 1229.384 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, THE RADIUS OF WHICH BEARS NORTH 34°59'12" WEST FROM SAID POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND RIGHT OF WAY LINE 51.84 FEET; THENCE SOUTH 57°25'45" WEST ALONG SAID RIGHT OF WAY LINE 362.82 FEET TO THE POINT OF BEGINNING;

SITUATE IN WASHINGTON COUNTY, STATE OF UTAH



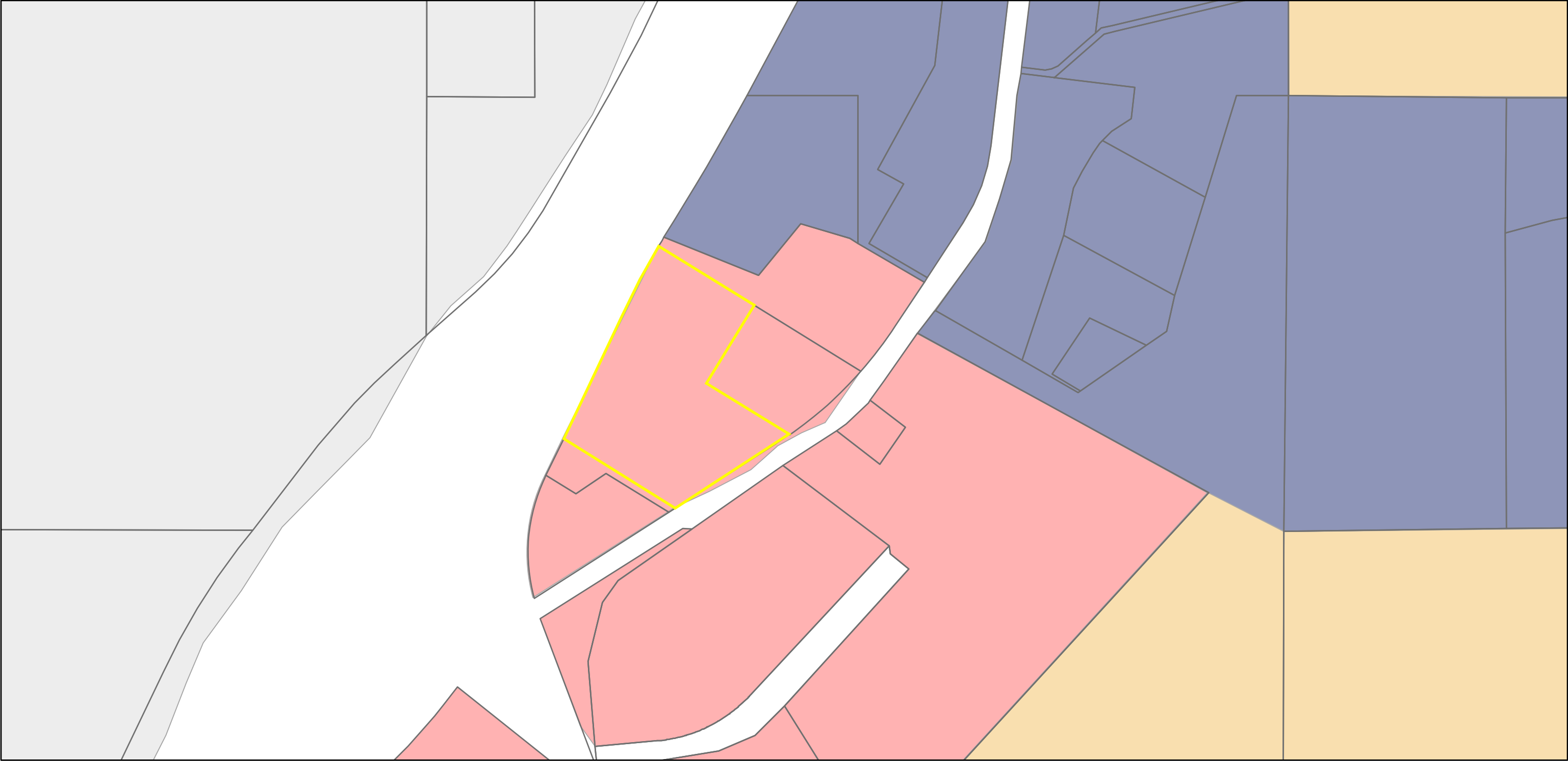
PROVALUE
ENGINEERING, INC.
ENGINEERS - LAND SURVEYORS - LAND PLANNERS
25 South 150 West, Suite 1
Provo, UT 84601
Phone: 435-668-3007



ZONE CHANGE FOR:
IME AUTOMATIONS
LOCATED IN SECTION 27, T40S, R18W, S1&B.M.
TOQUERVILLE CITY, WASHINGTON COUNTY, UTAH

DATE: 6/28/2024
SCALE: 1"=100'
JOB NO: 787-001
SHEET NO:
1 OF 1

Current Zoning Map



6/4/2024, 8:57:25 AM

Municipalities

Washington County Parcels

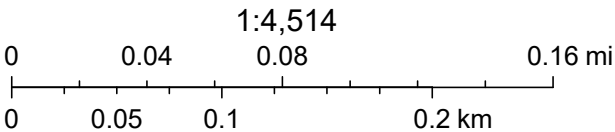
Zoning Districts

BUSINESS AND MANUFACTURING

HIGHWAY COMMERCIAL

R-1-20 SINGLE-FAMILY RESIDENTIAL (20,000 sq. ft. Minimum lot size)

MULTIPLE USE



General Plan Map



6/4/2024, 9:20:18 AM

-  Municipalities
-  Washington County Parcels
- General Plan
 -  Commercial
 -  Residential

