

**Staff Comments for
Ronald Duerksen
Zone Change Application
6-4-2024**

Planning and Zoning Administrator:

Brandon Price has submitted a Zone Change Application for Tax ID #: T-3-0-27-411 on behalf of Ronald Duerksen. City Staff has reviewed this application, and it has been deemed complete as per Title 10, Chapter 6, of the Toquerville City Code. This application was deemed complete on June 26, 2024.

This parcel is currently zoned Highway Commercial. The applicant has requested a change to the BMP Business and Manufacturing zone. The General Plan designates this area as Commercial. The commercial is defined in the General Plan in the following words.

“This area supports a variety of commercial enterprises. This may include the HC Highway Commercial, PC Planned Commercial, M-1 Light Industrial, or Business and Manufacturing zones, or any other similar commercial-oriented zone.”

Based on the definition provided by the General Plan, this application would not require a General Plan Amendment.

Toquerville City ZONE CHANGE APPLICATION

Fee: \$1,200.00



Name: Ronald Duerksen Telephone: [REDACTED]

Address: [REDACTED] 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)

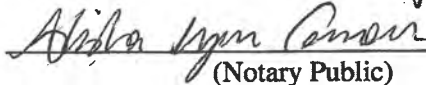
COUNTY OF Salt Lake ^{SS}

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.

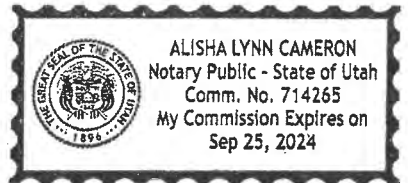


(Property Owner)

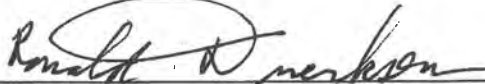
(Property Owner)

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


(Notary Public)

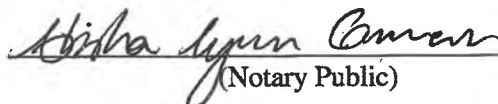
Residing in: UtahMy Commission Expires: 09/25/2024Agent Authorization

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.

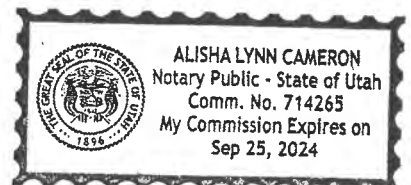


(Property Owner)

(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)

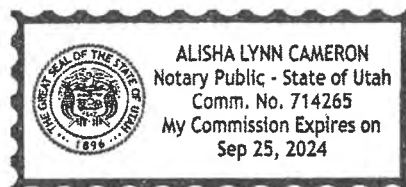
COUNTY OF Salt Lake) : ss.

~~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)



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,

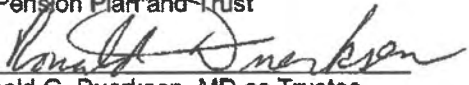
Grantee(s), of , Washington County, State of Utah, for the sum of ten dollars and other good and valuable consideration, the following tract of land located in Washington County, Utah, to wit:

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, MD as Trustee

STATE OF UtahCOUNTY 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

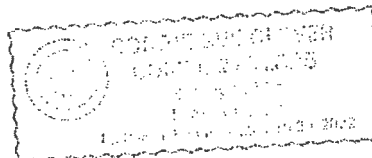


EXHIBIT "A"

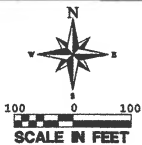
Parcel 1:

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

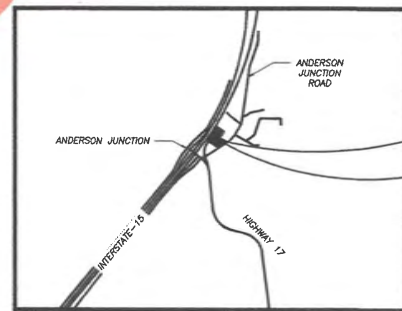
ZONE LEGEND:

- 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 QUIT 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



VICINITY MAP

NO.	REVISIONS	DATE	BY

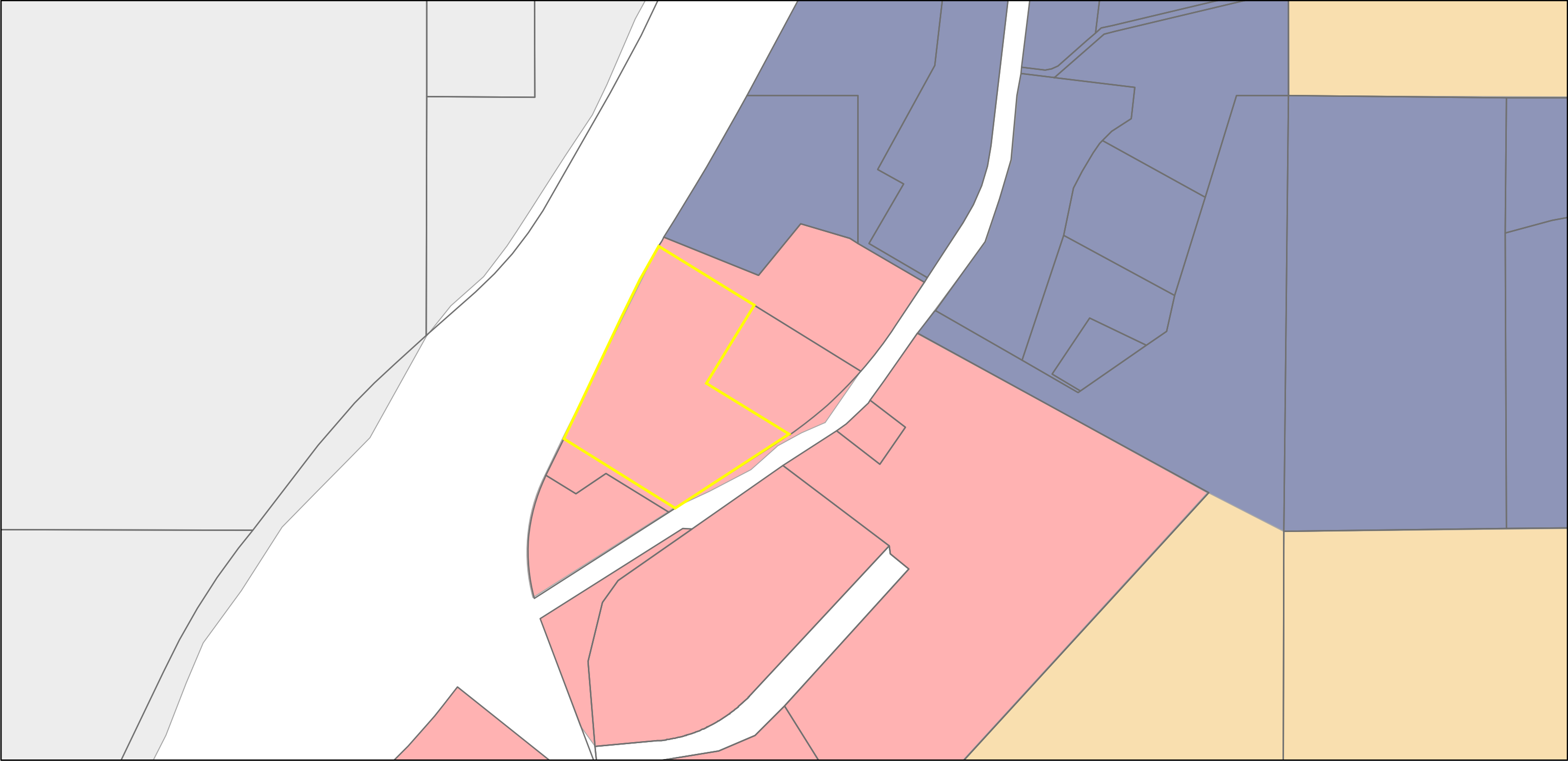
PROVALUE
ENGINEERING, INC.
ENGINEERS - LAND SURVEYORS - LAND PLANNERS
25 South 150 West, Suite 1
Provo, UT 84601
Phone: 435-668-3007



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

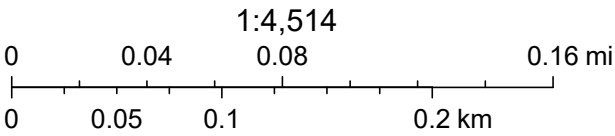
Zoning Districts

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

