Tooele County's Official



Proposition Information Pamphlet

For the referendum that has been filed against Ordinance 2020-16 – An Ordinance Amending the Official Zoning Map of Tooele County; Rezoning Approximately 167.11 Acres of Land, Located in Erda, from RR-1 to P-C ZC.

NOTE:

This electronic version of the Proposition Information Pamphlet contains information to help you, the voter, make a decision on the referendum petition on Tooele County Ordinance 2020-16.

WHAT'S IN THIS PAMPHLET?

Referendum Application

Sponsors argument against Ordinance 2020-16

County's argument in favor of Ordinance 2020-16.

Legal Impact Statement – Scott Broadhead, County Attorney

Initial Fiscal Impact Statement – Alison McCoy, County Auditor

Ordinance 2020-16

The adjacent and surrounding property owners are filing an Application for a Referendum for Tooele County Ordinance 2020-16 (the "Application"). We respectfully request that Tooele County Ordinance 2020-16, entitled "An Ordinance Amending the Official Zoning Map of Tooele County; Rezoning Approximately 167.11 Acres of Land, Located in Erda, from RR-1 to P-C ZC", passed by the Tooele County Commission, be referred to the voters for their approval or rejection at the regular general election to be held on November 3, 2020, or at a special election to be held on an undetermined future date.

Each sponsor confirms that they have personally signed the Application, they are registered to vote in Utah, they have voted in the past three years, and that their residence and post office address are written correctly after their names.

If there is any information that needs to be corrected or provided to perfect the Application, please contact Allison Kipp as soon as possible.

The three contact sponsors are as follows:

Rebecca Allison Carman-Kipp ("Allison Kipp") 332 Old Farm, Erda UT 84074 703-380-5960

Heather Walker 4554 England Estates, Erda UT 84074 816-661-1431

Carissa Miller 4569 England Estates, Erda UT 84074 385-315-6513

The back-up contact sponsors are as follows:

Jeanna Morgan 302 Old Farm, Erda UT 84074 435-841-7265

Lora Thomas 362 Old Farm, Erda UT 84074 801-707-1664

Darren Lewis 4545 N 7C, Erda, UT 84074 801-209-8777

Best regards,

Allison Kipp

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Application for a Referendum Tooele County Ordinance 2020-16

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Argument prepared by the sponsors of the proposed referendum:

The concept plan for the Planned Community Rezone is not in harmony with the surrounding properties or rural Erda. Higher density housing with as many as 12 homes per acre has no place in Erda. Currently, roads are too congested, schools are overcrowded, property taxes continue to rise, and the water table is not recharging fast enough.

Erda is a rural community with active farming that includes dust, farm animal noise, and farm animal odors. When higher density housing is placed next to rural lots, new owners complain about the noise, smells, dust, and flies. New residents either attempt to drive out the original occupants, file lawsuits, or initiate the creation of ordinances to stifle a rural lifestyle. Tractors on the road are part of rural life and too many additional vehicles will make driving more dangerous. Additionally, Excelsior Academy on Erda Way has carpool issues that clog the roads in this area. It will be extremely dangerous for children and drivers if you add 446+homes (1,000+ more vehicles). The proposed roundabout on Erda Way will cause problems with animal trailers and vehicle trailers going to the racetrack.

Many residents moved to Erda for the open space, the ability to own livestock, and to become self-sufficient by growing their own food. Having rural land makes our entire valley more attractive.

Suburban Land Reserve ("SLR"), the Applicant/developer, gave three reasons for the need for higher density housing:

- 1. More homes mean more eyes safeguarding the property. According to <u>LDSLiving.com</u>, there are only a handful of documented cases of vandalism at church properties worldwide in the last 5 years. Additionally, the Sherriff's Office confirmed there has been no vandalism in the rezone area for at least 15 years.
- 2. High density housing is needed to pay for the infrastructure. The funding for the construction of a temple is already in place when a temple is announced (https://newsroom.churchofjesuschrist.org/article/mormon-temple-building-process). Maintaining the existing zoning reduces infrastructure costs. It is not the community's obligation to make zoning concessions to cover infrastructure costs or to ensure profitability.
- 3. The development provides the opportunity for diversity of people and income levels with affordable housing. SLR stated the starter homes would begin around \$300,000. Other companies will be building the homes after the lots are purchased so SLR cannot factually state the sales price of the homes and townhomes or the diversity of the people who will purchase. The cost of the homes will also increase due to monthly HOA fees.

As Utah does not require impact fees, the costs for the new residents' infrastructure (roads, schools, government services) will be borne by the taxpayer. Property taxes in the County will increase because of this rezone.

Allowing this rezone establishes a precedent for higher density in all of Erda in an otherwise rural and agricultural area.

Sign the referendum petition to maintain the open space and rural lifestyle of Erda, prevent additional overcrowding of our roads and schools, and the decrease of our water table.

Argument prepared by the county:

Pro-Temple Position

Having a Church of Jesus Christ of Latter-day Saints (Church) Temple come to Tooele Valley is a long-awaited event in the County. It will provide an opportunity for many residents to worship as they desire without extended travel. Such spiritual buildings are often regarded with unity and a strong sense of community pride, regardless of affiliation. The influences and positive impacts of the Temple will extend far beyond the immediate neighborhood where the Temple will be located.

The Church through its wholly owned affiliate Suburban Land Reserve requested PC zoning (Planned Community) for the 168-acre parcel where the Temple and accompanying residential development is to be built. A PC Zone will allow the temple to be surrounded by homes of varying lot sizes. The Church has experience building a number of temples, and it knows best what will create the appropriate ambience for the purposes of their religious building.

The proposed PC zoning for the requested development plan was presented to the Tooele County Planning Commission. The Church's proposed zoning received an unprecedented number of public comments, the vast majority of which were positive for both the temple and the proposed residential units. In addition to homes, the proposed development also includes expansive parks, landscaping, walking trails, and other high-quality amenities. The development plan also proposes minimizing any potential negative impacts current residents in the area may experience. With the positive recommendation of the Planning & Zoning Commission, the Tooele County Commission granted the requested PC zoning along with the accompanying develop plan (Temple, homes, parks and amenities).

The area where the Temple is to be built is currently an agricultural farm, complete with sufficient water rights for the current use. However, the site would require some significant investments in infrastructure for the proposed change in use. The siting of the Temple will need water, sewer, electrical power, and natural gas utilities to be provided. Adjustments to access SR36 will need to be made to aid traffic congestion and flow. There may be other requirements as well, but the public is assured that in the course of planning the overall development that any such challenges will be addressed, as is common in all such planned developments.

For the reasons noted, the Church proposes to reimburse itself for the investment in related infrastructure required for the temple by developing adjacent land for residential use. In this way, the costs above and beyond the building of the temple can be absorbed by the sale of adjacent homes. The benefit is that the temple can be constructed in a safe manner that will protect our region's groundwater while also enabling a professionally managed housing development next to it, which will be consistent with the inviting presence of the temple, just as has been developed in other places by the same entity.

The proposed Temple and accompanying development will create an attractive and special area in Tooele County --one that we can all be proud to host, regardless of our affiliation.

TOOELE COUNTY ESTIMATED FISCAL & LEGAL IMPACT STATEMENT

An "Application for a Referendum for Tooele County Ordinance 2020-16" was filed on or about June 9, 2020. Pursuant to UCA §20A-7-602.7, I am required to notify the first three sponsors whether the proposed law is legally referable.

I find that the proposed law meets the requirements of subsection (2) of the ordinance and is legally referable.

Scott A. Broadhead

Pursuant to UCA §20A-7-602.5(2)(a) the aforementioned referendum will have the following fiscal and legal impacts:

- 1. Effect on a person's vested property rights, other county laws or ordinances, and/or potential legal liability incurred by the county:
 - a. None. However, potential for litigation may exist because Tooele County Ordinance 2020-17 is in effect and not referable. Should Ordinance 2020-16 be overturned by referendum, these two ordinances will conflict with one another.
- 2. Fiscal and legal impact as determined by County Budget Officer and Legal Counsel.
 - a. Highly variable legal and fiscal impact. Difficult to reasonably express.
- 3. Estimated cost of printing and distribution of voter information: \$10,000.00.

Alison H. McCoy
Tooele County Auditor/County

Budget Officer

TOOELE COUNTY ORDINANCE 2020-16

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 167.11 ACRES OF LAND, LOCATED IN ERDA, FROM RR-1 TO P-C ZC

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I – AMENDMENT. Pursuant to Utah Code Annotated Sections 17-27a-502 and 17-27a-503, the Tooele County Planning Commission conducted a public hearing on the application for rezone submitted by Benson Whitney on behalf of Suburban Land Reserve and made a favorable recommendation to amend the official zoning map.

Notice having been provided as required by UCA Subsection 17-27a-205(1)(b) and having held a public meeting, the official zoning map of Tooele County is hereby amended by changing the zoning designation of approximately 167.11 acres, known as Parcels 05-044-A-0042, 05-049-0-0030, 05-049-0-0031, and 16-079-0-0002, located immediately west of SR-36 between Erda Way and Church Road, in Erda, Tooele County, Utah from RR-1 (Rural Residential, One-Acre Minimum Lot Size) to P-C (Planned Community) with the zoning condition that the traffic study is updated to analyze the traffic improvements with the moving installation of the signalized intersection from Bryan Road to Church Road and SR-36, prior to the planning commission hearing this item for Community Structure Plan (CSP) approval.

A map showing the area of the rezone is attached hereto and by this reference made a part hereof.

SECTION II – REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Tooele County Ord. 2020-16

SECTION III – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this and day of June 2020.

ATTEST:

TOOELE COUNTY COMMISSION:

TOM TRIPP, Chairman

Commissioner Milne voted

Commissioner Thomas voted

Commissioner Tripp voted

aye

APPROVED AS TO FORM:

SCOTT A. BROADHEAD Tooele County Attorney

ORD 2020-16: Rezone from RR-1 (Rural Residential, 1 Acre Minimum) to P-C (Planned Community) Zone

Unaddressed Parcels (Parcel IDs): 05-044-A-0042, 05-049-0-0030, 05-049-0-0031, & 16-079-0-0002.

