

# **Tooele County's Official**



# **Proposition Information Pamphlet**

*For the referendum that has been filed against Ordinance 2020-14 — An Ordinance Amending the Official Zoning Map of Tooele County; Rezoning Approximately 108.63 Acres of Land, Located at 4409 N. Droubay Road in Erda, from RR-5 to RR-1 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 2020-14.*

## **WHAT'S IN THIS PAMPHLET?**

*Referendum Application*

*Sponsors argument against Ordinance 2020-14*

*County's argument in favor of Ordinance 2020-14.*

*Initial Fiscal Impact Statement — Alison McCoy, County Auditor*

*Legal Impact Statement — Scott Broadhead, County Attorney*

*Ordinance 2020-14*

Application for a Referendum Tooele County Ordinance 2020-14  
Utah Code § 20A-7

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✓

**Sponsor Statement** State of Utah,  
County of Tooele

I, KENNETH J. WEBB affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.  
Name of Sponsor (please type or print)

933 EAST BATES CYN RD  
Residence Address

ERDA, UTAH 84074 861-232-4361  
City, State, Zip Phone Number

webbken56@yahoo.com  
Email

Subscribed and affirmed before me this 14 day of July, 2020.

by \_\_\_\_\_

Notary Seal

**NOTARY PUBLIC**  
Michael Wagner  
Commission No. 704305  
Commission Expires  
January 29, 2023  
STATE OF UTAH

Notary Public

✓

**Sponsor Statement** State of Utah,  
County of Tooele

I, Valerie J Webb affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.  
Name of Sponsor (please type or print)

933 E. BATES CYN. RD  
Residence Address

ERDA, UTAH, 84074 435 882-6066  
City, State, Zip Phone Number

webbr801@gmail.com  
Email

Subscribed and affirmed before me this 14 day of July, 2020.

by \_\_\_\_\_

Notary Seal

**NOTARY PUBLIC**  
Michael Wagner  
Commission No. 704305  
Commission Expires  
January 29, 2023  
STATE OF UTAH

Notary Public

✓

**Sponsor Statement** State of Utah,  
County of Tooele

I, Diane Christensen affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.  
Name of Sponsor (please type or print)

3924 N. Droubay Rd  
Residence Address

ERDA, UT. 84074 435-849-0301  
City, State, Zip Phone Number

djchristensen1@msn.com  
Email

Subscribed and affirmed before me this 14 day of July, 2020.

by \_\_\_\_\_

Notary Seal

**NOTARY PUBLIC**  
Michael Wagner  
Commission No. 704305  
Commission Expires  
January 29, 2023  
STATE OF UTAH

Notary Public

**Application for a Referendum Tooele County Ordinance 2020-14**  
 Utah Code § 20A-7

**Sponsor Statement** State of Utah,  
County of Tooele


I, Jaelene DeYoung affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.  
Name of Sponsor (please type or print)

1363 Country Lane \_\_\_\_\_  
Residence Address

Erda Utah 84074 435-830-0418 \_\_\_\_\_  
City, State, Zip Phone Number

led@digis.net \_\_\_\_\_  
Email

Subscribed and affirmed before me this 14 day of July 2020  
 by \_\_\_\_\_  
Notary Public



NOTARY PUBLIC  
 Michael Wagner  
 Commission No. 704305  
 Commission Expires  
 January 29, 2023  
 STATE OF UTAH

**Sponsor Statement** State of Utah,  
County of Tooele


I, Lynlon DeYoung affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.  
Name of Sponsor (please type or print)

1363 Country Lane \_\_\_\_\_  
Residence Address

Erda UT 84074 435 882 6227 \_\_\_\_\_  
City, State, Zip Phone Number

\_\_\_\_\_  
Email

Subscribed and affirmed before me this 14 day of July 2020  
 by \_\_\_\_\_  
Notary Public



NOTARY PUBLIC  
 Michael Wagner  
 Commission No. 704305  
 Commission Expires  
 January 29, 2023  
 STATE OF UTAH

**Sponsor Statement** State of Utah,  
County of Tooele

I, \_\_\_\_\_ affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.  
Name of Sponsor (please type or print)

\_\_\_\_\_  
Residence Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email

Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
 by \_\_\_\_\_  
Notary Public

Notary Seal



Application for a Referendum Tooele County Ordinance 2020-14  
 Utah Code § 20A-7

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**Sponsor Statement** State of Utah,  
County of Tooele

I, ELTON LYNN BERRY affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.  
Name of Sponsor (please type or print)


4517 Dreamweaver Drive ;  
Residence Address

Erda UT 84074 Phone Number  
City, State, Zip

Notary Seal

Subscribed and affirmed before me this 14<sup>th</sup> day of July, 2020.  
Email

by \_\_\_\_\_  
Notary Public



**Sponsor Statement** State of Utah,  
County of Tooele

I, \_\_\_\_\_ affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.  
Name of Sponsor (please type or print)

\_\_\_\_\_  
Residence Address Sponsor's Signature

\_\_\_\_\_  
City, State, Zip Phone Number

Notary Seal

\_\_\_\_\_  
Email

Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

by \_\_\_\_\_  
Notary Public

**Sponsor Statement** State of Utah,  
County of Tooele

I, \_\_\_\_\_ affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.  
Name of Sponsor (please type or print)

\_\_\_\_\_  
Residence Address Sponsor's Signature

\_\_\_\_\_  
City, State, Zip Phone Number

Notary Seal

\_\_\_\_\_  
Email

Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

by \_\_\_\_\_  
Notary Public

Application for a Referendum Tooele County Ordinance 2020-14  
Utah Code § 20A-7

Sponsor Statement

State of Utah,  
County of Tooele

I, John R. Graham affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years

Name of Sponsor (please type or print)

961 East Dream Weaver Dr.

Residence Address

Erda, UT 84074-5541 401-949-7669

City, State, Zip

Phone Number

Notary Seal

horsebrush@q.com

Email

Subscribed and affirmed before me this 14 day of July 2020

by



Sponsor Statement

State of Utah,  
County of Tooele

I, Rosemary S. Gray affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years.

Name of Sponsor (please type or print)

961 E. Dream Weaver Dr

Residence Address

Erda, UT 84074

City, State, Zip

801-209-5462

Phone Number

Notary Seal

rosemarysgray100@gmail.com

Email

Subscribed and affirmed before me this 14 day of July 2020

by

Nota



Sponsor Statement

State of Utah,  
County of Tooele

I, \_\_\_\_\_ affirm that I am a resident of Utah and I have voted in an election in Utah within the last three years

Name of Sponsor (please type or print)

Residence Address

Sponsor's Signature

City, State, Zip

Phone Number

Notary Seal

Email

Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

by

Notary Public

## **Argument prepared by the sponsors of the proposed referendum on Ordinance 2020-14**

The Sunset Acres "Rezone" is not in harmony with the surrounding properties of rural Erda. "Erda Township was established as an agricultural community and is recognized as encompassing the most prime farmland of any area in the Valley"

<http://tooeleco.org/wp-content/uploads/2019/12/tc-final-general-plan.pdf>, p. 2-4.

Erda is a rural community with active farming that includes dust, farm animal and farm equipment noise, and farm odors. When higher density housing is placed next to rural lots, new owners complain about the noise, smells, dust, and flies. Higher density housing does not support the rural landscape or create an economic climate that enhances the viability of working lands and the conservation of natural lands that are evaporating.

Many residents moved to Erda for the open space, the ability to own livestock, and to become self-sufficient by growing crops. Rural land makes our entire valley attractive. The rural landscape creates a great place to live by building vibrant, enduring agricultural communities that people do not want to leave.

The Sunset Acres development should be built according to the current 5-acre zoning. Our concerns regarding the rezone are as follows:

Air quality: Utah's air quality has become increasingly toxic. Air pollution from cars is the major producer of air pollution. A large subdivision will dramatically increase the numbers of cars and so increase the air pollution in the Tooele Valley area.

Increased crime: Private property thefts, vandalism and small crimes including graffiti will increase. Tooele County sheriffs are not equipped to handle this new burden.

Water: Not sufficient.

Schools: Overcrowded.

Traffic: Overly congested.

Erda residents desire stronger zoning laws, allowing growth but in a responsible way. Rather than succumb to "higher density" we desire to set an irreversible precedent for our valley to protect our agricultural lifestyle for the present and future generations.

In the recent case with South Rim residents and the Tooele County Commission, Judge Gibson ruled: "As a legislative body and appeal authority, the Tooele County Commission is obligated to act for the good of the public, in accordance with Utah law, and not just for the benefit of one private citizen."



As Utah does not require impact fees, the costs for the new residents' infrastructure (roads, schools, government services) will be borne by the taxpayer which will cause an increase in property taxes.

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

The County argues that the rezone is consistent with the "Master Plan." "The General Plan is a guide for the future use of land, while the Zoning Ordinance regulates the use of land in the present. **The General Plan is not a binding, legal document, lending instead legal strength to the Zoning Ordinance**" <http://tooeleco.org/wp-content/uploads/2019/12/tc-final-general-plan.pdf>, p. 2-9. Additionally, the Rezone is surrounded by 5-acre lots.

**Please sign the referendum to maintain the open space and rural lifestyle, prevent additional overcrowding of our roads and schools, the decrease of our water table, and the increase of crime, be it theft, vandalism, or arson.**

## **Argument in favor of Ordinance 2020-14 prepared by County:**

Leaders throughout Tooele County encourage developments which create desirable neighborhoods for current and future residents, boost our communal quality of life, and are consistent with our Tooele County Master Plan. The proposed Sunset Acres development with its minimum requirement of 1.15-acre lots provides the potential to deliver on each of those elements. The lower density that is proposed offers some protection from redevelopment and further subdividing as flag lots in the future. The proposal retains the same rural feel provided by existing 1-acre lots within the area. We believe it is important to create a smart, balanced, and methodical approach to growth that will also protect our local natural resources. Included in the County Commission's approval was the requirement that no new water wells would be drilled and that the development would instead be connected to an existing municipal water system. The applicable water rights for the proposed development are already being utilized at an existing well and will simply be shifted to the new project. This is important, as it would have zero new impact on wells within the vicinity. In fact, as proposed, the development would actually use less water than is currently being utilized. Similarly, a traffic study of the proposed development found minimal impact would be added to our county roads. As county leaders, we unanimously voted to approve the Sunset Acres development because we believe it is a good example of smart, reasonable growth that the citizens of Tooele County will benefit from and have indicated through transparent public input during a recent update to our General Plan that they would like to see implemented.





*Office of the Tooele County Auditor*

*Alison H. McCoy*

*47 South Main Street*

*Tooele, Utah 84074*

**TOOELE COUNTY ESTIMATED FISCAL & LEGAL IMPACT STATEMENT**

**(Not Exceeding 100 Words)**

To: Marilyn Gillette, Tooele County Clerk  
From: Alison H. McCoy, Tooele County Auditor  
cc: Scott Broadhead, Tooele County Attorney  
Re: Application for Referendum of Tooele County Ordinance 2020-14  
Date: July 28, 2020

At this time, and pursuant to UCA §20A-7-602.5(2)(a)(vii,) the aforementioned referendum will have the following fiscal and legal impacts:

1. No significant effects on a person's vested property rights.
2. No significant effects on other Tooele County laws or ordinances.
3. No significant legal liability incurred by Tooele County.
4. No other significant legal impact as determined by county budget officer and legal counsel.
5. Highly variable fiscal impact. Difficult to reasonably express.
6. Estimated cost of printing and distribution of voter information: \$10,000.00



Alison H. McCoy  
Tooele County Auditor

TOOELE COUNTY ATTORNEY'S OFFICE



Scott A. Broadhead, County Attorney  
Gary K. Searle, Chief Deputy Attorney  
Spencer P. Call, Deputy Attorney

Robert L. Clegg, Deputy Attorney  
Wayne A. Freestone, Deputy Attorney  
Scott Shields, Deputy Attorney

**LEGAL OPINION REGARDING REFERABILITY OF  
INITIATIVE PETITION**

**To:** Marilyn Gillette, Tooele County Clerk  
**From:** Scott A. Broadhead, Tooele County Attorney  
**Re:** Application for a Referendum for Tooele County Ordinance 2020-14  
**Date:** July 23, 2020

An "Application for a Referendum for Tooele County Ordinance 2020-14" was filed on or about July 15, 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.

/s/ Scott A. Broadhead

Mailed to:

Kenneth J. Webb  
933 East Bates Canyon Rd.  
Erda, UT 84074

John R. Graham  
961 East Dreamweaver  
Erda, UT 84074

Elton Lynn Berry  
4517 Dreamweaver Dr.  
Erda, UT 84074

TOOELE COUNTY ATTORNEY'S OFFICE



Scott A. Broadhead, County Attorney  
Gary K. Searle, Chief Deputy Attorney  
Spencer P. Call, Deputy Attorney

Robert L. Clegg, Deputy Attorney  
Wayne A. Freestone, Deputy Attorney  
Scott Shields, Deputy Attorney

**AMENDED LEGAL OPINION REGARDING REFERABILITY  
OF INITIATIVE PETITION**

**To:** Marilyn Gillette, Tooele County Clerk  
**From:** Scott A. Broadhead, Tooele County Attorney  
**Re:** Application for a Referendum for Tooele County Ordinance 2020-14  
**Date:** September 23, 2020

An "Application for a Referendum for Tooele County Ordinance 2020-14" was filed on or about July 15, 2020. Pursuant to UCA §20A-7-602.8, 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.

/s/ Scott A. Broadhead

Mailed to:

Kenneth J. Webb  
933 East Bates Canyon Rd.  
Erda, UT 84074

John R. Graham  
961 East Dreamweaver  
Erda, UT 84074

Elton Lynn Berry  
4517 Dreamweaver Dr.  
Erda, UT 84074



**TOOELE COUNTY  
ORDINANCE 2020-14  
(CORRECTED)**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF  
TOOELE COUNTY; REZONING APPROXIMATELY 108.63 ACRES OF  
LAND, LOCATED AT 4409 N. DROUBAY ROAD IN ERDA, FROM RR-5  
TO RR-1 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 Joe White on behalf of the Carol Janice Weyland Trust 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 108.63 acres, known as Parcel 05-043-0-0006, located at 4409 N. Droubay Road in Erda, Tooele County, Utah from RR-5 (Rural Residential, Five-Acre Minimum Lot Size) to RR-1 (Rural Residential, One-Acre Minimum Lot Size) with the zoning condition that the subject property is limited to an overall density of one dwelling unit per 1.36 acres (80 units total with a minimum lot size of one acre). Applicant shall design the development to accommodate the future extension of Church Road east to connect to Droubay Road.

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


This rezone is conditioned upon applicant withdrawing the application for PUD 2019-01 after any applicable filing deadlines for a referendum of this ordinance have passed.

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

**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.

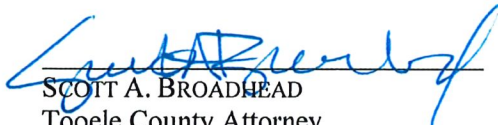
**IN WITNESS WHEREOF** the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 7<sup>th</sup> day of July 2020.

**ATTEST:**

  
Marilyn K. Gillette, Clerk


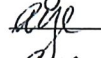



**APPROVED AS TO FORM:**

  
SCOTT A. BROADHEAD  
Tooele County Attorney

**TOOELE COUNTY COMMISSION:**

  
Tom Tripp, Chairman  


Commissioner Milne voted   
Commissioner Thomas voted   
Commissioner Tripp voted 

**ORD 2020-14: Rezone from RR-5 (Rural Residential, 5 Acre Min) to RR-1 (Rural Residential, 1 Acre Min)**

4409 North Droubay Road: (Parcel ID: 05-043-0-0006)

