

REFERENDUM PETITION

To the Honorable Stephannie Cottle, City Recorder:

We, the undersigned citizens of Utah, respectfully order that O-2024-01 (Development Code Related to Alcohol Sales) passed by the Highland City Council be referred to the voters for their approval or rejection at the regular/municipal general election to be held on November 5, 2024, or at another election, as allowed by Utah State Law.

Each signer says:

- I have personally signed this referendum petition;
- The date next to my signature correctly reflects the date that I actually signed the petition;
- I have personally reviewed the entire statement included with this packet;
- I am registered to vote in Utah; and
- My residence and post office address are written correctly after my name.

Proposition Information Pamphlet

Pursuant to Utah Code 20A-7-401.5 this proposition information pamphlet is being distributed in conjunction with a proposed referendum O-2024-01 (Development Code Related to Alcohol Sales) filed on January 23, 2024 with Highland City. The pamphlet includes the following:

1. A copy of the referendum application (pages 2-16)
2. An argument in favor of the referendum petition, provided by the Sponsors of the referendum (page 17)
3. An argument against the referendum petition, provided by a majority of the members of the Highland City Legislative body (page 18)
4. A copy of the Fiscal and Legal Impact statement provided by the Highland City Attorney and the Highland City Finance Officer (page 19)

REFERENDUM APPLICATION

To the Highland City Recorder:

We, the undersigned citizens and registered voters of Highland, Utah, respectfully apply to circulate a referendum petition, pursuant to Utah Code, Title 20A, Chapter 7, Section 602.

The decision being challenged is the local law for liquor sales in Highland (see approved motion and votes below, as well as the attached exhibits).

Whereas, on January 16, 2024, the Highland City Council approved changes to allow sale of liquor in Highland pursuant to Ordinance No: O-2024-01, this referendum petition is to allow the citizens to decide if such a significant change to our city ordinances and community standards is warranted, or even desired by a true voting majority. We believe that a majority of Highland residents do not desire liquor sales in Highland. We certify that we are not being compensated in any way to sponsor this referendum, nor will any persons gathering signatures.

O-2024-01 (DEVELOPMENT CODE RELATED TO ALCOHOL SALES)

Council Member Ron Campbell MOVED that the City Council adopt the Ordinance and proposed amendments to the development code related to alcohol sales within the CR Zone AND Town Center Overlay Zone.

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>No</i>
<i>The motion passed 4:1.</i>	

Attachments:

Exhibit A: Signed and executed Ordinance O-2024-01

Exhibit B: Notarized Sponsor Acknowledgment Pages

Exhibit C: Notarized Sponsor Statements

Exhibit A

ORDINANCE NO: O-2024-01

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE HIGHLAND CITY DEVELOPMENT CODE RELATED TO ALCOHOL SALES

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on July 13, 2023;

WHEREAS, the City Council held a public hearing on this Ordinance on August 1, 2023; and

WHEREAS, after reviewing the recommendation of the Planning Commission, and after having made such adjustments to the Ordinance as the City Council found appropriate and necessary, the City Council finds that it will be in interest of Highland City and its residents, and will provide for the general welfare, prosperity, and benefit of Highland residents, to adopt this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND, UTAH, as follows:

Section 1. The CR Zone, Development Code 3-4351 Permitted Uses, is amended as follows:

3-4351 Permitted Uses

As noted in the following sections, the only uses allowed within the C-R Zone are as follows:

1. Retail food stores, grocery and meat markets, bakeries, organic food stores, and other similar food and beverage sales facilities. ~~Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9.~~

Section 2. The CR Zone, Development Code 3-4352 Prohibited Uses, is amended as follows:

3-4352 Prohibited Uses

In the C-R Zone, any use not expressly listed as a permitted use shall be deemed specifically prohibited including but not limited to the following:

1. Slaughtering of animals or live animal processing
2. Sexually Oriented Businesses
3. Call centers
4. ~~Alcohol sales~~
45. Thrift Stores or Pawn Shops
56. Tattoo parlors, non-medically prescribed body massages, or body piercing shops, parlors or facilities

67. The following Ground Floor Uses shall not be located on a corner lot within the CR Zone:

- a. Office buildings for Professional Services which may include but not limited to:
 - i. Financial Lending Institutions; such as banks, credit unions, cash lending institutions, or similar; or
 - ii. Insurance institutions such as Insurance agencies, insurance brokers, or similar; or
 - iii. Professional services; such as Architects, Engineers, Law offices, Medical Offices or Medical Uses, or similar; or
 - iv. Real Estate Institutions; such as Mortgage Companies, Title Companies, Real Estate Brokers or agents, or similar; or
- b. Service oriented businesses; such as dry cleaners, hair or nail salons, gasoline islands, tax preparation services, or similar.

Section 3. The Town Center Zone, Development Code 3-4707 Prohibited Uses, is amended as follows:

3-4707 Prohibited Uses

In the Town Center Zone, any use not expressly listed as a permitted use or a conditional use shall be deemed specifically prohibited including but not limited to the following:

- 1. Slaughtering of animals or live animal processing
- 2. Sexually Oriented Businesses
- 3. Call centers
- 4. ~~Alcohol sales~~
- 45. Thrift Stores or Pawn Shops
- 56. Tattoos or body piercing shops, parlors or facilities.

Section 4. All ordinances or provisions thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

PASSED and ADOPTED this 16th day of January, 2024

HIGHLAND CITY, UTAH



Kurt Ostler
Highland City Mayor

ATTEST:



Stephannie B. Cottle
City Recorder



COUNCIL MEMBER	YES	NO
Brittney P. Bills	☒	☐
Ron Campbell	☒	☐
Doug Cortney	☒	☐
Kim Rodela	☒	☐
Scott L. Smith	☐	☒

Exhibit B

Print Name: Elizabeth Ann Rice Signature: Elizabeth Ann Rice
Address: 6241 W 9680 N Highland, Email: lizzibeth@comcast.net
Ut 84003

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me Stephannie B. Cottle
a notary public, personally appeared Elizabeth Ann Rice, proved on the basis of
satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he
executed the same.

[Signature]

Notary Signature



(seal)

Print Name: Teri Taylor Jerman Signature: Teri Jerman
Address: 5055 Old Oak Lane Email: teri@pinevalley.net
Highland UT 84003

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me Stephannie B. Cottle
a notary public, personally appeared Teri Taylor Jerman, proved on the basis of
satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he
executed the same.

[Signature]

Notary Signature



(seal)

Print Name: Paul Cyril Gillespie
Address: 10848 North 6000 West
Highland, Utah 84003

Signature: Paul Gillespie
Email: paul.c.gillespie@gmail.com

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me Stephannie B. Cottle

a notary public, personally appeared Paul Cyril Gillespie, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.



Stephannie B. Cottle

Notary Signature

(seal)

Print Name: Natalie Ball
Address: 6037 W. Dry Creek Rd.

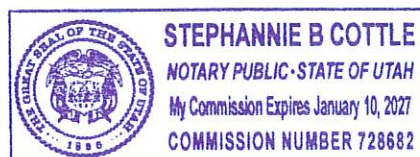
Signature: Natalie Ball
Email: natalie.ball@hotmail.com

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me Stephannie B. Cottle

a notary public, personally appeared Natalie Ball, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.



Stephannie B. Cottle

Notary Signature

(seal)

Print Name: Diane Andersen Beck

Signature: Diane Andersen Beck

Address: 4571 W. Killarney Dr., Highland, UT 84003

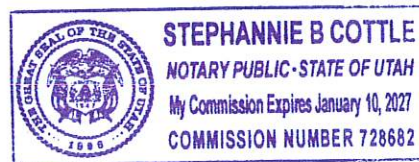
Email: dianebeck01@outlook.com

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me Stephannie B. Cottle

a notary public, personally appeared Diane Andersen Beck, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.



[Signature]

Notary Signature

(seal)

Print Name: DAVID MILOY BECK

Signature: David Miloy Beck

4571 W. KILLARNEY DRIVE

Address: HIGHLAND, UTAH 84003

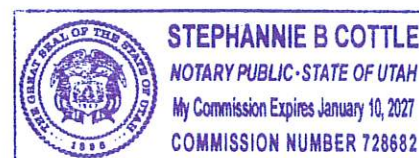
Email: DIANEBECK01@OUTLOOK.COM

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me Stephannie B. Cottle
David Miloy Beck

a notary public, personally appeared David Miloy Beck, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.



[Signature]

Notary Signature

(seal)

Exhibit C

Sponsor Statement

I, Elizabeth Ann Rice, affirm that I am a registered voter in Highland City, Utah,
and that I am not being paid for my participation in this referendum.

Elizabeth Ann Rice
Sponsor's Signature

6241 W 9680 N
Resident Address

801-615-1241
Phone Number

Highland, UT 84003
City, State, Zip

lizzibeth@comcast.net
Email

Subscribed and affirmed before me this 23rd day of January 2021.

[Signature]
Notary Signature



State of UT
County of UT

Sponsor Statement

I, Natalie Ball, affirm that I am a registered voter in Highland City, Utah,
and that I am not being paid for my participation in this referendum.

Natalie Ball

Sponsor's Signature

6037 W. Dry Creek Rd

Resident Address

Highland, UT 84003

City, State, Zip

885-415-0618

Phone Number

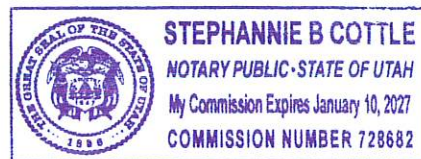
natalieball@hotmail.com

Email

Subscribed and affirmed before me this 23 day of January 2024.

[Signature]

Notary Signature



State of UT
County of UT

Sponsor Statement

I, Teri Taylor Jerman, affirm that I am a registered voter in Highland City, Utah,
and that I am not being paid for my participation in this referendum.

Teri Jerman
Sponsor's Signature

5055 Old Oak Lane
Resident Address

801-372-9035
Phone Number

Highland Utah 84003
City, State, Zip

teri@pinevalley.net
Email

Subscribed and affirmed before me this 23 day of January 2024.

Steph B Cottle
Notary Signature

State of UT
County of UT



Sponsor Statement

I, Paul Cyril Gillespie, affirm that I am a registered voter in Highland City, Utah,
and that I am not being paid for my participation in this referendum.

Paul C Gillespie
Sponsor's Signature

10848 North 6000 West
Resident Address

801 529-6358
Phone Number

Highland, Utah 84003
City, State, Zip

paul.c.gillespie@gmail.com
Email

Subscribed and affirmed before me this 22 day of January 2024.

Steph B Cottle
Notary Signature

State of UT
County of UT



Sponsor Statement

I, Diane Andersen Beck, affirm that I am a registered voter in Highland City, Utah,
and that I am not being paid for my participation in this referendum.

Diane Andersen Beck
Sponsor's Signature

4571 W. Killarney Dr.
Resident Address

Highland, Utah 84003
City, State, Zip

801-763-0883
Phone Number

dianebeck01@outlook.com
Email

Subscribed and affirmed before me this 23 day of January 2024.

[Signature]
Notary Signature

State of UT
County of UT



Sponsor Statement

I, DAVID MILOY BECK, affirm that I am a registered voter in Highland City, Utah,
and that I am not being paid for my participation in this referendum.

David Miloy Beck
Sponsor's Signature

4571 W. KILLARNEY DRIVE
Resident Address

HIGHLAND, UTAH 84003
City, State, Zip

801-763-0883
Phone Number

DIANE BECK01@OUTLOOK.COM
Email

Subscribed and affirmed before me this 23 day of January 2024.

Steph B Cottle
Notary Signature

State of UT
County of UT



Argument Provided by the Sponsors of the Referendum

The sponsors of this referendum wish to allow the REGISTERED VOTERS of Highland City to be heard.

It is our position that the city survey that was mailed out to each home in Highland was not verified as having been completed by REGISTERED VOTERS in Highland City. We also believe that the claim of 99% accuracy from a survey that garnered participation from a number of (unverified) individuals equivalent to roughly 25% of the 12,000+ registered voters in Highland, is statistically impossible.

Furthermore, the survey was mailed with no return envelope or return address, and included instructions to take the survey online, which assumed that all residents would know how to use separate devices to complete the survey for each person in their household.

Furthermore, allowing a developer to pay a nominal fee to apply to change city ordinances and codes to benefit himself financially is WRONG. The developer mailing out a clever marketing piece to arrive at the same time as the city surveys, with no clarification from the city about who sent the leaflet, and what the developer stood to gain financially from a positive survey result, is ALSO WRONG.

We've been told that changing our ordinances to support liquor sales is for our benefit, because it would bring in more tax money. **Yet the city verified that any commercial development in Highland only entitles us to .5% more than we would get from the tax pool system already in place**, which we currently receive roughly 75% of our annual budget from. This means that a business revenue of \$1M annually would result in an additional \$5K in sales taxes for Highland. The developer himself admitted that while a Chick-fil-A could bring in approximately \$12M in annual sales, his revenue projections for the restaurants that he is marketing leases to is about \$3M to \$4M annually, which only translates to approximately \$15-20K annually.

We believe it is gravely irresponsible to bring liquor sales to Highland, not knowing the actual cost/benefit analysis, including the need for increased police and emergency services, since the development in question sits on one of the most accident-prone intersections in Highland.

Despite the developer's clever marketing by mail and on social media, this is, in fact, HIS PRIVATE PROPERTY, and not the community center that he has misled the public to believe. Since he has misrepresented his history and connection to our community, we really can't trust that his motives are for anything but profit.

We are asking registered voters to sign this petition to help us get the issue of liquor sales on the ballot. **Issues that reshape our community, and affect our quality of life, should be in the hands of the registered voters and taxpayers of Highland.** We have learned from experience that developers are rarely around to experience the very real consequences of their builds; **including traffic and congestion, criminal activity, and tax increases to cover the subsequent increased law enforcement and emergency services costs.**

Argument Provided by a Majority of the Members of the Highland City Legislative Body

Vote NO on the referendum

The strictly regulated sale of alcohol will bring higher-end restaurants to Highland, recognize the value of personal choice, and maintain local control. With the responsible limits we've placed on alcohol sales, this is a good compromise for Highland. We urge you to vote "no" on the referendum.

Background

In 2023, MNG Development submitted plans for a commercial development near CVS. They also requested to allow alcohol sales in their development. Recognizing the need for residents' input before making this decision, the City Council conducted a city-wide survey, invited public comment, and spent months considering all points of view. The survey showed a clear majority of respondents were in favor of allowing tightly controlled alcohol sales in Highland.

With the survey results in mind, the Council approved two ordinances, making changes (1) to the zoning code, removing all references to alcohol sales, and (2) to our municipal code, allowing controlled alcohol sales at restaurants in our core commercial zones.

Benefits to Highland

Higher-end restaurants

In 2008, after a significant amount of public input, Highland City published a General Plan with a vision for the city's future. In this plan, residents expressed that full-service restaurants were their number-one commercial priority for the city. Since then, community surveys have consistently shown the same strong desire for higher-end, sit-down restaurants in Highland. These restaurants typically offer curated menus that include alcohol options to complement their food offerings. Highland has been unable to draw these types of restaurants with the alcohol prohibition in place. Allowing strictly regulated alcohol sales will make it possible to include some of these restaurants in the new development and fulfill the residents' desire for more upscale dining options.

Personal choice

A recurring theme that emerged from public comment and the recent alcohol survey is that Highlanders highly value personal choice and individual responsibility. By allowing residents to choose whether or not to consume alcohol while dining at higher-end Highland restaurants, we honor this value. Allowing full-service restaurant licenses furthers this value of personal choice — for residents and for business owners.

Responsible Limits and Local Control

We carefully crafted Highland City policy so that we, as Highlanders, have local control over how alcohol is served in our community. Rather than simply referring to state code, we created Highland City code that we can adapt to our needs without having to be reactive to state policy. Under our new ordinances, the following restrictions must be followed, addressing safety and quality-of-life concerns.

- * Alcohol sold only in core commercial zones; no sales in residential neighborhoods
- * Only 4 alcohol licenses across the city
- * No alcohol sales after 10 pm
- * No purchase for off-premise use (at a gas station or grocery)
- * No bars, taverns, or commercial brewing
- * No alcohol sales to someone who appears impaired
- * Strict adherence to Department of Alcoholic Beverage Control regulations

This is good for Highland. We urge you to vote "no" on the referendum.

**Initial Fiscal and Legal Impact Statement of Repealing
Highland City Ordinance O-2024-01 (Development Code Related to Alcohol Sales)**

The fiscal impact and the potential loss or gain of tax and/or fee revenues from repealing Ordinance O-2024-01 is unknown because it is unknown how many businesses would choose to operate (and how successfully) under this Ordinance or under the prior alcohol regulations. In addition, it is unknown whether, and how many, alcohol licenses would be granted for Highland businesses from the Utah Department of Alcoholic Beverage Services.

On average, 75% of Highland City's monthly sales tax distribution is a result of the city's population and 25% is from taxable sales made within the city. The city also receives an annual distribution of beer tax funds which are passed on to the Lone Peak Public Safety District to be used for alcohol related law enforcement and crime prevention. The tax is assessed on beer manufacturers and distributors and the distribution is calculated using population, alcohol related crime conviction statistics, and the number of alcohol licensed outlets within the city.

Repealing the Ordinance will not:

- materially increase or decrease taxes;
- result in the issuance of, or a change in the status of, bonds, notes, or other debt instruments;
- materially result in costs or savings to state and local governments;
- impact any person's vested property rights; or
- result in significant legal liability to Highland City.

Repealing the Ordinance will reinstate the zone-specific alcohol regulations that were in effect prior to January 16, 2024. This would have the following effects:

- The zone-specific prohibition on the sale of alcohol within the C-R zone (commercial property northwest of the intersection of Alpine Highway and SR-92) would be reinstated;
- The zone-specific prohibition on the sale of alcohol within the Town Center zone (commercial property southwest of the intersection of Town Center Boulevard and SR-92) would be reinstated; and
- All other zones would be unaffected because they did not and currently do not have zone-specific regulations that restrict the sale of alcohol. Businesses in other commercial zones may be able to sell alcohol based on any applicable city-wide regulations.

Referendum Petition for O-2024-01 (Development Code Related to Alcohol Sales)

For Office Use Only	Registered Voters Printed Name (must be legible to be counted)	Signature of Registered Voter	Date Signed
	Street Address, City, Zip Code	Email Address (optional, to receive additional information)	Birth Date or Age (optional)

By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn.

For Office Use Only	Registered Voters Printed Name (must be legible to be counted)	Signature of Registered Voter	Date Signed
	Street Address, City, Zip Code	Email Address (optional, to receive additional information)	Birth Date or Age (optional)

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For Office Use Only	Registered Voters Printed Name (must be legible to be counted)	Signature of Registered Voter	Date Signed
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For Office Use Only	Registered Voters Printed Name (must be legible to be counted)	Signature of Registered Voter	Date Signed
	Street Address, City, Zip Code	Email Address (optional, to receive additional information)	Birth Date or Age (optional)

By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn.

Warning: "It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same referendum petition, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records.

VERIFICATION OF SIGNATURE COLLECTOR

State of Utah, County of Utah

I, _____, of _____,
hereby state, under penalty of perjury, that: I am a resident of Utah and am at least 18 years
old;

All the names that appear in this packet were signed by individuals who professed to be the
individuals whose names appear in it, and each of the individuals signed the individual's name
on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to
overturn;

I believe that each individual has printed and signed the individual's name and written the
individual's post office address and residence correctly, that each signer has read and
understands the law that the referendum seeks to overturn, and that each signer is registered to
vote in Utah.

(Name)	(Residence Address)	(Date)
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Each individual who signed the packet wrote the correct date of signature next to the
individual's name.

I have not paid or given anything of value to any individual who signed this referendum packet
to encourage that individual to sign it.

(Name)	(Residence Address)	(Date)
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