

The City of Salem, Utah



Proposition Information Pamphlet

For the referendum that has been filed against Salem City Ordinance No. 102021 entitled *"An Ordinance Annexing and Zoning Property Known as the BYU Farm Annexation"*

This pamphlet includes the following:

1. A copy of the referendum application (pg. 2)
2. An argument submitted by the sponsors (pg. 20)
3. An argument submitted by Salem City (pg. 22)
4. A copy of the Fiscal and Legal Impact Statement provided by Salem City Attorney and Budget Officer (pg. 24)

LOCAL REFERENDUM APPLICATION:

TO PLACE A CITIZEN'S REFERENDUM TO REPEAL ORDINANCE NO. 102021

On October 20, 2021, the Salem City Council adopted Ordinance No. 102021, annexing and zoning property known as the BYU Farm Annexation (the "Property").

The undersigned residents of Salem, Utah respectfully submit this Referendum Application in response to adoption of Ordinance No. 102021. The proposed referendum will ask Salem City residents to repeal Salem City Council's enactment of Ordinance No. 102021, with the result of not annexing the Property, and not extending Salem City boundaries to include and incorporate within Salem City limits the land set forth in the legal description and depicted in the exhibit attached hereto. If passed, the proposed referendum will also moot the Ordinance's amendment of the Property's zoning to R-15, A-1 and Master Planned Zones, with the Property's former zoning reinstated.

This application is being filed with the City Clerk of Salem, in accordance with the Utah Referendum Code 20A-7-Part 6. It is being submitted by ten sponsors whose names are below and whose signature pages and certificates are included.

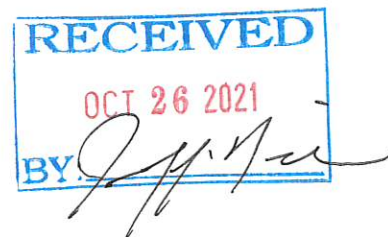
Persons gathering signatures for the petition to follow this application may be paid for gathering signatures.

Submitted on: Tuesday, October 26, 2021

By the following sponsors:

1 Kelly Ann Swenson
2 Brian Robert Hughes
3 Mathew Craig Larsen
4 Gus Ray Farley
5 Lavar McRae Robinson

6 Riley John Hiatt
7 Sharee Lee Swenson
8 Chantelle Marvele Penrod
9 Katie Larsen
10 Eric Swenson



LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Kelly Ann Swenson, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

541 E. 10000 S.

Residence Address

Salem, UT 84653

City, State, Zip

[Redacted Signature]
Sponsor's Signature

[Redacted Phone Number]
Phone Number

Notary Seal

[Redacted Email Address]
Email

Subscribed and affirmed before me this 25th day of October, 2021.

By

[Redacted Signature]
Notary Public



TARA RIDDLE
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp 03/26/2022
Commission # 699720

SPONSOR STATEMENT

I, Brian Robert Hughes, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

38 N. 950 E.

Residence Address

Salem, UT 84653

City, State, Zip

[Redacted Signature]
Sponsor's Signature

[Redacted Phone Number]
Phone Number

Notary Seal

[Redacted Email Address]
Email

Subscribed and affirmed before me this 25th day of October, 2021.

By

[Redacted Signature]
Notary Public



TARA RIDDLE
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp 03/26/2022
Commission # 699720

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Mathew Craig Larsen, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

901 E. 380 S.

Residence Address

Sponsor's Signature

Salem, UT 84653

City, State, Zip

Phone Number

Notary Seal

Email

Subscribed and affirmed before me this 25th day of October, 2021.

By

Notary Public



SPONSOR STATEMENT

I, Gus Ray Farley, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

874 N. SR 198

Residence Address

Sponsor's Signature

Salem, UT 84653

City, State, Zip

Phone Number

Notary Seal

Email

Subscribed and affirmed before me this 25th day of October, 2021.

By

Notary Public



LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Lavar McRae Robinson, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

45 S. 100 E.

Residence Address

[Redacted Signature]
Sponsor's Signature

Salem, UT 84653

City, State, Zip

[Redacted Phone Number]
Phone Number

Notary Seal

[Redacted Email]
Email

Subscribed and affirmed before me this 25th day of October, 20 21.

By [Redacted Signature]

Notary Public



SPONSOR STATEMENT

I, Riley John Hiatt, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

663 E. 960 N.

Residence Address

[Redacted Signature]
Sponsor's Signature

Salem, UT 84653

City, State, Zip

[Redacted Phone Number]
Phone Number

Notary Seal

[Redacted Email]
Email

Subscribed and affirmed before me this 25th day of October, 20 21.

By [Redacted Signature]

Notary Public



LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Sharee Lee Swenson, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

272 S. 770 E.

Residence Address

[Redacted Signature]
Sponsor's Signature

Salem, UT 84653

City, State, Zip

[Redacted Phone Number]
Phone Number

Notary Seal

[Redacted Email]
Email

Subscribed and affirmed before me this 25th day of October, 2021.

By

[Redacted Signature]
Notary Public



TARA RIDDLE
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp 03/26/2022
Commission # 699720

SPONSOR STATEMENT

I, Chantelle Marvele Penrod, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

393 S. 930 E.

Residence Address

[Redacted Signature]
Sponsor's Signature

Salem, UT 84653

City, State, Zip

[Redacted Phone Number]
Phone Number

Notary Seal

[Redacted Email]
Email

Subscribed and affirmed before me this 25th day of October, 2021.

By

[Redacted Signature]
Notary Public



TARA RIDDLE
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp 03/26/2022
Commission # 699720

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Katie Larsen, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

901 E. 380 S.

Residence Address

[Redacted]
Sponsor's Signature

Salem, UT 84653

City, State, Zip

[Redacted]
Phone Number

Notary Seal

[Redacted]
Email

Subscribed and affirmed before me this 25th day of October, 2021.

By [Redacted]

Notary Public



SPONSOR STATEMENT

I, Eric Swenson, affirm that I am a resident of Utah, am registered to vote in
Name of Sponsor the State of Utah, and have voted in a regular general election
within the last three years.

541 E. 10000 S.

Residence Address

[Redacted]
Sponsor's Signature

Salem, UT 84653

City, State, Zip

[Redacted]
Phone Number

Notary Seal

[Redacted]
Email

Subscribed and affirmed before me this 25th day of October, 2021.

By [Redacted]

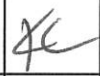
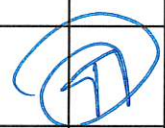
Notary Public



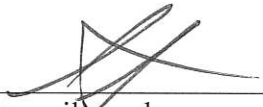
REFERENDUM APPLICATION EXHIBIT

ORDINANCE NO. 102021

ROLL CALL

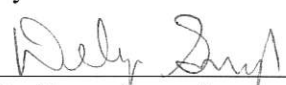
VOTING	YES	NO
KURT L CHRISTENSEN Mayor (votes only in case of tie)		
VACANCY City Councilmember		
TIM DEGRAW City Councilmember		
STERLING M. REES City Councilmember		
DELYS SNYDER City Councilmember		
SETH SORENSEN City Councilmember		

I MOVE this ordinance be adopted:



City Councilmember

I SECOND the foregoing motion:



City Councilmember

SALEM CITY, UTAH

ORDINANCE 102021

**AN ORDINANCE ANNEXING AND ZONING PROPERTY
KNOWN AS THE BYU FARM ANNEXATION**

WHEREAS a petition has been filed with Salem City Council by Brigham Young University, Chris & Sally Nelson, Melvin N. & Shirley T. Bangerter, Zephyr Ranches, LC,

Smart Style Limousin Zephyr, LLC, Smart's Farm Zephyr, LLC, McKee Investments Zephyr, LLC, Lyle J. Smart Family Partnership, Smart Style Limousin, LLC, Smart's Farm, LLC, McKee Investments, LLC, Smart Rock, LLC, and McKee Rock, LLC ("Petitioners"), the owners of property representing a majority of the assessed valuation of real property hereinafter described, which property lies contiguous to the corporate limits of Salem City;

WHEREAS the Petitioners have also submitted an accurate plat of said territory and have filed the same in the office of the Salem City Recorder (attached as an exhibit hereto);

WHEREAS on May 5, 2021, the Salem City Council accepted the petition for further consideration and certified it to the Utah County Boundary Commission, pursuant to Utah Code Ann. §10-2-405, on May 21, 2021;

WHEREAS the Salem City Recorder has certified that the petition complies with the requirements of Utah Code Ann. §10-2-403, as they pertain to annexations;

WHEREAS publication of the certification took place in the *Payson Chronicle*, a paper with local circulation in Salem City, on April 14, April 21, and April 28, 2021;

WHEREAS a number of protests were received concerning the annexation petition;

WHEREAS the Utah County Commission adopted Resolution No. 2021-455 on May 12, 2021, whereby it consented to the BYU Farm Annexation despite it leaving unincorporated islands or peninsulas, pursuant to the authority granted by Utah Code Ann. § 10-2-402(1)(b)(iii);

WHEREAS on August 23, 2021, the Utah County Boundary Commission held a public hearing on the protests received;

WHEREAS, after consideration of the protests received, the Utah County Boundary Commission denied each protest and issued its Findings, Conclusions, and Decision on

September 15, 2021;

WHEREAS a public hearing was held before the Salem City Council on Wednesday, October 6, 2021, pursuant to Utah Code Ann. §10-2-407, with notice having taken place in accordance with said section;

WHEREAS, at the public hearing, the City Council heard the comments and discussion concerning the annexation and zoning of the property; and

WHEREAS, following the public hearing, the Council found there are SESD facilities in the area;

NOW THEREFORE, be it ordained and enacted by the Salem City Council as follows:

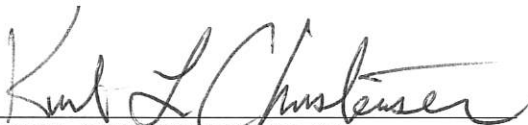
Section 1. Annexation. Pursuant to Utah Code Ann. 10-2-402(1)(c), the Salem City Council hereby consents to the annexation despite it leaving unincorporated islands or peninsulas. The boundaries of Salem City are hereby extended so as to include and incorporate within the said City limits the following described land: [AS DESCRIBED IN THE LEGAL DESCRIPTION AND DEPICTED IN THE ATTACHED EXHIBIT]

Section 2. Zoning Classification. Pursuant to Salem City Code § 14-1-030, the property is hereby zoned as follows: R-15, A-1 and Master Planned Zone. [AS DESCRIBED IN THE LEGAL DESCRIPTION AND DEPICTED IN THE ATTACHED EXHIBIT]

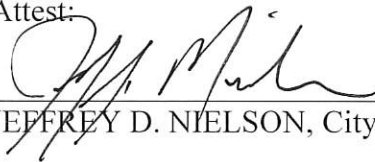
Section 3. Not Part of Municipal Code. This ordinance shall not become part of the Salem City Municipal Code.

Section 4. Effective Date. This ordinance shall become effective upon posting.

DATED: October 20, 2021.


KURT L CHRISTENSEN, Mayor

Attest:

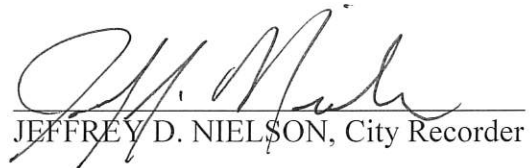

JEFFREY D. NIELSON, City Recorder



AFFIDAVIT OF POSTING

JEFFREY D. NIELSON, being first duly sworn, deposes and says that he is the duly appointed and qualified recorder of the City of Salem, a Municipal Corporation of the State of Utah, and that on the 22 day of October, 2021, he posted a true and correct copy of Ordinance No. 102021 as enacted by Salem City Council on October 20, 2021, said posting being made at the City Offices, at the United States Post Office, and at the Salem City Library, all being public places and located within the City Limits of Salem, Utah County, Utah.

DATED: 10/22, 2021.


JEFFREY D. NIELSON, City Recorder

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 22nd day of October, 2021, by Jeffrey D. Nielson.




NOTARY PUBLIC

EXHIBIT

**SALEM SPRINGS ANNEXATION LEGAL DESCRIPTION
AND ANNEXATION PLAT
aka BYU Farm Annexation**

ANNEXATION BOUNDARY LEGAL DESCRIPTION

LOCATED IN SECTIONS 5 AND 6, AND A PORTION OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 7, ALL IN TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN; THENCE S89°16'47"W ALONG THE SECTION LINE 1334.02 FEET TO AN EXISTING FENCE LINE; THENCE N00°38'31"W ALONG A FENCE LINE 371.16 FEET; THENCE N00°05'17"E 299.58 FEET; THENCE S89°45'29"W 69.16 FEET; THENCE N23°29'14"W 101.63 FEET; THENCE N50°32'45"E 17.08 FEET; THENCE N04°00'29"W 242.51 FEET; THENCE N81°11'26"W 9.63 FEET; THENCE N08°38'17"W 124.47 FEET; THENCE N00°56'33"W 485.44 FEET;; THENCE N00°56'33"W 111.84 FEET; THENCE N00°56'41"W 420.51 FEET; THENCE N89°31'45"E 166.95 FEET; THENCE N00°06'25"E 498.27 FEET; THENCE N02°29'02"E 28.69 FEET; THENCE N00°11'30"W 1646.72 FEET; THENCE EAST 10.99 FEET; THENCE NORTH 286.76 FEET; THENCE N89°37'51"E 1023.02 FEET; THENCE NORTH 5.02 FEET; THENCE EAST 268.54 FEET TO THE QUARTER SECTION LINE; THENCE N0°22'15"W ALONG THE QUARTER SECTION LINE (ALSO BEING ALONG AN EXISTING FENCE LINE ALONG THE WEST SIDE OF 400 EAST STREET) 485.96 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF THAT FENCE LINE AGREEMENT DESCRIBED IN DEED ENTRY NO. 80651:1999 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE ALONG THE EXTENSION OF AND SAID FENCE LINE AGREEMENT THE FOLLOWING TWO (2) COURSES: ; THENCE S89°59'42"E 455.23 FEET; THENCE N00°51'17"W 222.41 FEET TO THE NORTH LINE OF SAID SECTION 6; THENCE N89°14'02"E ALONG THE SECTION LINE 600.86 FEET TO THE NORTHERLY EXTENSION OF AN EXISTING FENCE; THENCE ALONG THE EXTENSION OF AND SAID FENCE THE FOLLOWING THREE (3) COURSES: S0°30'39"E 622.51 FEET; THENCE N89°06'34"E 298.48 FEET; THENCE N0°39'04"W 621.85 FEET THE NORTH LINE OF SAID SECTION 6; THENCE N89°14'02"E ALONG THE SECTION LINE 1316.91 FEET TO THE NORTHEAST CORNER OF SAID SECTION 6; THENCE N89°09'50"E ALONG THE SECTION LINE 2662.93 FEET TO THE NORTH QUARTER CORNER OF SECTION 5; THENCE N89°08'08"E ALONG THE SECTION LINE 2713.14 FEET TO NORTHEAST CORNER OF SECTION 5; THENCE S1°06'42"W ALONG THE SECTION LINE 1347.05 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 5; THENCE S89°22'44"W ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER 1346.03 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S0°40'10"W ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER 1341.01 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S0°39'59"W ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 2706.37 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S89°22'17"W ALONG THE SECTION LINE 1314.65 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 5; THENCE N0°13'24"E ALONG THE QUARTER SECTION LINE 2033.85 FEET TO THE NORTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 12055:2018 BEING MORE PARTICULARLY DEFINED ON THAT RECORD OF SURVEY NO. 08-349; THENCE S89°58'27"W ALONG SAID SURVEY LINE AND IN PART ALONG AN EXISTING FENCE LINE 1313.57 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE S0°02'31"E ALONG SAID WEST LINE 2010.01 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N88°58'46"W ALONG THE SECTION LINE 1304.38 FEET TO THE WEST LINE OF SAID SECTION 5; THENCE

N0°18'48"W ALONG THE SECTION LINE 2648.29 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 5; THENCE S89°11'13"W ALONG THE QUARTER SECTION LINE 338.90 FEET; THENCE S0°18'49"E 2650.65 FEET TO THE SOUTH LINE OF SECTION 6; THENCE S88°47'12"W ALONG THE SECTION LINE 338.59 FEET; THENCE N0°34'16"W 14.13 FEET TO THE NORTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 38786:2012 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE S89°58'54"W 641.60 FEET TO THE NORTHWEST CORNER OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 64690:2016 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE S0°01'06"E 27.52 FEET TO THE SOUTH LINE OF SAID SECTION 6; THENCE S88°47'12"W ALONG THE SECTION LINE 28.70 FEET TO THE EAST LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 4258:1959 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE S1°12'48"E ALONG SAID REAL PROPERTY 70.90 FEET TO THE NORTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 153220:2002 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE S52°40'18"W ALONG SAID REAL PROPERTY 215.65 FEET TO THE SOUTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 4258:1959 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE ALONG SAID REAL PROPERTY THE FOLLOWING TWO (2) COURSES: S88°47'12"W 1147.95 FEET TO THE QUARTER SECTION LINE; THENCE N0°22'46"W ALONG THE QUARTER SECTION LINE 198.02 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±916.68 ACRES

EXHIBIT
BYU FARM ANNEXATION ZONING LEGAL PROPERTY DESCRIPTIONS

R15 ZONE

LOCATED IN SECTION 6, TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN; THENCE S89°16'47"W ALONG THE SECTION LINE 1334.02 FEET TO AN EXISTING FENCE LINE; THENCE N00°38'31"W ALONG A FENCE LINE 371.16 FEET; THENCE N00°05'17"E 299.58 FEET; THENCE S89°45'29"W 69.16 FEET; THENCE N23°29'14"W 101.63 FEET; THENCE N50°32'45"E 17.08 FEET; THENCE N04°00'29"W 242.51 FEET; THENCE N81°11'26"W 9.63 FEET; THENCE N08°38'17"W 124.47 FEET; THENCE N00°56'33"W 485.44 FEET;; THENCE N00°56'33"W 111.84 FEET; THENCE N00°56'41"W 420.51 FEET; THENCE N89°31'45"E 166.95 FEET; THENCE N00°06'25"E 498.27 FEET; THENCE N02°29'02"E 28.69 FEET; THENCE N00°11'30"W 1646.72 FEET; THENCE EAST 10.99 FEET; THENCE NORTH 286.76 FEET; THENCE N89°37'51"E 1023.02 FEET; THENCE NORTH 5.02 FEET; THENCE EAST 268.54 FEET TO THE QUARTER SECTION LINE; THENCE N0°22'15"W ALONG THE QUARTER SECTION LINE (ALSO BEING ALONG AN EXISTING FENCE LINE ALONG THE WEST SIDE OF 400 EAST STREET) 485.96 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF THAT FENCE LINE AGREEMENT DESCRIBED IN DEED ENTRY NO. 80651:1999 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE ALONG THE EXTENSION OF AND SAID FENCE LINE AGREEMENT THE FOLLOWING TWO (2) COURSES: ; THENCE S89°59'42"E 455.23 FEET; THENCE N00°51'17"W 222.41 FEET TO THE NORTH LINE OF SAID SECTION 6; THENCE N89°14'02"E ALONG THE SECTION LINE 240.37 FEET TO THE NORTHERLY EXTENSION OF THAT FENCE LINE AGREEMENT DESCRIBED IN DEED ENTRY NO. 80651:1999 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE ALONG SAID FENCE LINE AGREEMENT THE FOLLOWING FOUR (4) COURSES: S0°10'46"E 227.40 FEET; THENCE S0°54'23"E 406.38 FEET; THENCE S0°33'37"E 695.82 FEET; THENCE S89°09'38"W 699.07 FEET TO THE QUARTER SECTION LINE; THENCE S0°22'15"E ALONG THE QUARTER SECTION LINE 3987.05 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±163.32 ACRES

A1 AGRICULTURAL ZONE

LOCATED IN SECTION 6, TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED S88°47'12"W ALONG THE SECTION LINE 338.92 FEET FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN; THENCE S88°47'12"W 338.59 FEET TO AN EXISTING FENCE LINE AS DESCRIBED IN THAT FENCE LINE AGREEMENT DESCRIBED IN DEED ENTRY NO. 101395:2015; THENCE ALONG SAID FENCE LINE AND FENCE LINE AGREEMENT THE FOLLOWING THREE (3) COURSES: N0°34'16"W 2629.98 FEET; THENCE N88°42'14"E 35.58 FEET; THENCE N0°31'58"W 22.66 FEET TO THE QUARTER SECTION LINE; THENCE N89°11'13"E ALONG THE QUARTER SECTION LINE 314.89 FEET; THENCE S0°18'49"E 2650.65 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±20.96 ACRES

ALSO INCLUDING THE FOLLOWING:

LOCATED IN SECTION 5, TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 5, TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN; THENCE N0°18'48"W ALONG THE SECTION LINE 393.09 FEET TO THE NORTH LINE OF THAT REAL PROPERTY DESCRIBED IN ENTRY NO. 75263:2014 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE ALONG SAID REAL PROPERTY THE FOLLOWING FOUR (4) COURSES: N79°00'00"E 144.19 FEET; THENCE N45°30'00"E 206.00 FEET; THENCE N81°30'00"E 115.00 FEET; THENCE SOUTH 589.11 FEET TO THE SECTION LINE; THENCE N88°58'46"W ALONG THE SECTION LINE 400.12 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±4.50 ACRES

MASTER PLANNED ZONE

LOCATED IN SECTIONS 5 AND 6, AND A PORTION OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 7, ALL IN TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 9 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN; THENCE N0°22'15"W ALONG THE QUARTER SECTION LINE 3987.05 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF THAT FENCE LINE AGREEMENT DESCRIBED IN DEED ENTRY NO. 80651:1999 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE ALONG SAID FENCE LINE AGREEMENT THE FOLLOWING FOUR (4) COURSES: N89°09'38"E 699.07 FEET; THENCE N0°33'37"W 695.82 FEET; THENCE N0°54'23"W 406.38 FEET; THENCE N0°10'46"W 227.40 FEET TO THE NORTH LINE OF SAID SECTION 6; THENCE N89°14'02"E ALONG THE SECTION LINE 360.50 FEET TO THE NORTHERLY EXTENSION OF AN EXISTING FENCE; THENCE ALONG THE EXTENSION OF AND SAID FENCE THE FOLLOWING THREE (3) COURSES: S0°30'39"E 622.51 FEET; THENCE N89°06'34"E 298.48 FEET; THENCE N0°39'04"W 621.85 FEET THE NORTH LINE OF SAID SECTION 6; THENCE N89°14'02"E ALONG THE SECTION LINE 1316.91 FEET TO THE NORTHEAST CORNER OF SAID SECTION 6; THENCE N89°09'50"E ALONG THE SECTION LINE 2662.93 FEET TO THE NORTH QUARTER CORNER OF SECTION 5; THENCE N89°08'08"E ALONG THE SECTION LINE 2713.14 FEET TO NORTHEAST CORNER OF SECTION 5; THENCE S1°06'42"W ALONG THE SECTION LINE 1347.05 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 5; THENCE S89°22'44"W ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER 1346.03 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S0°40'10"W ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER 1341.01 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S0°39'59"W ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 2706.37 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S89°22'17"W ALONG THE SECTION LINE 1314.65 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 5; THENCE N0°13'24"E ALONG THE QUARTER SECTION LINE 2033.85 FEET TO THE NORTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 12055:2018 BEING MORE PARTICULARLY DEFINED ON THAT RECORD OF SURVEY NO. 08-349; THENCE S89°58'27"W ALONG SAID SURVEY LINE AND IN PART ALONG AN EXISTING FENCE LINE 1313.57 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE S0°02'31"E ALONG SAID WEST LINE 2010.01 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N88°58'46"W ALONG THE SECTION LINE 904.26 FEET TO THE EAST LINE OF THAT REAL PROPERTY DESCRIBED IN ENTRY NO. 75263:2014 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE ALONG SAID REAL PROPERTY THE FOLLOWING FOUR (4) COURSES: NORTH 589.11 FEET; THENCE S81°30'00"W 115.00 FEET; THENCE S45°30'00"W 206.00 FEET; THENCE S79°00'00"W 144.19 FEET TO THE WEST LINE OF SAID SECTION 5; THENCE N0°18'48"W ALONG THE SECTION LINE 2255.20 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 5; THENCE S89°11'13"W ALONG THE QUARTER SECTION LINE 653.80 FEET TO AN EXISTING FENCE LINE AS DESCRIBED IN THAT FENCE LINE AGREEMENT DESCRIBED IN DEED ENTRY NO. 101395:2015; THENCE ALONG SAID FENCE LINE AND FENCE LINE AGREEMENT THE FOLLOWING THREE (3) COURSES: S0°31'58"E 22.66 FEET; THENCE S88°42'14"W 35.58 FEET; THENCE S0°34'16"E 2615.85 FEET TO THE NORTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 38786:2012 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE S89°58'54"W 641.60 FEET TO THE NORTHWEST CORNER OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 64690:2016 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE S0°01'06"E 27.52 FEET TO THE SOUTH LINE OF SAID SECTION 6; THENCE S88°47'12"W ALONG THE SECTION LINE 28.70 FEET TO THE EAST LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 4258:1959 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE S1°12'48"E ALONG SAID REAL PROPERTY 70.90 FEET TO THE NORTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 153220:2002 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE S52°40'18"W ALONG SAID REAL PROPERTY 215.65 FEET TO THE SOUTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 4258:1959 IN THE OFFICIAL RECORDS OF THE UTAH COUNTY RECORDER; THENCE ALONG SAID REAL PROPERTY THE FOLLOWING TWO (2) COURSES: S88°47'12"W 1147.95 FEET TO THE QUARTER SECTION LINE; THENCE N0°22'46"W ALONG THE QUARTER SECTION LINE 198.02 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±727.90 ACRES

EXHIBIT



Salem's growth is unprecedented with over 8,600 units proposed, planned or under construction in a town of only 2,650 homes. Salem isn't exempt from growth, but to keep it from turning into "Anytown, USA" we must adhere to the vision and values in the General Plan.

Our city council just approved an annexation and zone change that will allow DR Horton, America's largest home builder, to **build over 2,000 homes on the BYU Farm** (the majority on 1/8th acre or less including almost 500 townhomes). This would be **one of the largest developments in Utah County** right here in Salem!

*This plan was **UNANIMOUSLY REJECTED** by Salem's Planning and Zoning Commission. The number of homes allowed by the general plan was also opposed by over 4,000 people in an online petition before the project was even presented.

The vision in Salem's General Plan emphasizes the importance of maintaining the small town feel, the openness and agricultural land of Salem and to avoid new developments out of character with the city. The density assigned to this area is incongruous with that vision. This was brought to the attention of the City Council publicly prior to DR Horton's proposal and also during negotiations. This inconsistency allowed DR Horton to negotiate a density that does not reflect the vision of the General Plan.

HIGHLIGHTS

- This plan was **UNANIMOUSLY REJECTED** by Salem's Planning and Zoning Commission
- Salem has 2,650 homes currently
- There are over **8,600 more homes** being proposed/approved/developed
- DR Horton plans **2,004 homes** in their development
 - **This would be one of the largest developments in Utah County**
 - **75% of the homes in Salem on an area 1/10th the size**
 - 66% of the proposed homes are less than or equal to 1/8 acre
 - Almost 500 townhomes and 400 1/8th acre "cottage lots"
- Public input and the general plan overwhelmingly express a desire to maintain the small town feel, the openness and agricultural land
- There is an inconsistency between the vision of the general plan and the density numbers assigned (2-3 units per acre) that needs to be fixed.

SOLUTIONS

- A **REFERENDUM** to put this on the ballot for residents to vote on.
- Amend inconsistencies in the General Plan aligning density with its vision.

We can have both growth and preserve the character of Salem through thoughtful planning. Signing the referendum puts this project on the ballot and allows you to vote: You have a **VOICE** and a **CHOICE**. Support the General Plan!

For more information go to:

preservepondtown.com OR **facebook.com/PreservePondTown**

Refuse to sign the referendum petition to bring the BYU Farm's annexation to an expensive city-wide vote.

Consider these facts and contexts:

The City Council and the Development Review Committee (DRC) studied and negotiated the development agreement for BYU Farms for 18 months. **Both voted unanimously and independently** to approve the annexation of BYU Farm and properties adjacent to the farm. All of these property owners requested to be annexed. Although well-intended, the planning commission focused on issues outside their responsibility and gave a non-binding, advisory vote even though the proposed zoning met the General Plan.

Findings of the City Council and the DRC:

- The BYU Farm development **meets criteria from the General Plan** created three years ago at 2.75 units/acre. This plan calls for mixed density and 2-3 homes/acre. (Page 22)
- The BYU Farm **developers will build all the infrastructure** (roads, sewer, electricity, water, etc.) that the development requires. This cost will be borne by the developer. The developer will also **enhance two intersections outside the development**.
- The BYU Farm has **more water rights than needed** for the development. Salem can use the extra water they will bring.
- The City Council has **negotiated extra amenities like parks and mountain bike trails** and **\$3,000,000** for recreation that the developer will **donate to Salem**.
- The development will include **lots ranging from one acre to townhomes**. This **mix** will include expensive homes on large suburban farm lots as well as more affordable townhomes and cottages for our children and grandchildren.

Land breakdown for the project:

1 acre, ½ acre, and 18,000 sq ft lots (like Harvest Ridge)	21%
12,000 and 8,000 sq ft lots (like most of Salem)	17%
5,000 sq ft lot cottages (for new families)	9%
Senior Cottages (for our older citizens)	10%
Townhomes (the most affordable)	5%
Open space	30%
Roads, institutional	8%

If citizens reverse the annexation, unintended consequences will likely happen.

- If the developers are turned down by Salem, they can ask **Spanish Fork to annex** the BYU Farm. **Salem would lose any control**, all the water, and all the amenities. **Spanish Fork allows much higher density**.

- The referendum organizers are asking the City to require developers to cut the number of homes in half. This move would double the size of building lots and significantly **increase the cost of homes, pushing out people like teachers, police officers, and firefighters**, creating a community only for the wealthy without parks and amenities. Salem should be a community that welcomes all people, not just wealthy people who can afford gigantic lots and homes. Contrary to the sponsors' claims, Salem has **only about 365 lots in construction** right now.
- The main **organizers and funders of the referendum are not even Salem residents**. They pay no Salem property taxes and are **unaccountable** for the consequences.

The BYU Farm development will take 10-20 years to build. Having a master-planned community will ensure good infrastructure, a unified vision, mixed housing options, great public amenities (parks, trails), and a better Salem community.

FISCAL AND LEGAL IMPACT STATEMENT REGARDING THE REPEAL OF
ORDINANCE 102021 ENTITLED - AN ORDINANCE ANNEXING AND ZONING
PROPERTY KNOWN AS THE BYU FARM ANNEXATION

Pursuant to Utah Code Section 20a-7-602.5 the initial fiscal and legal impact estimate regarding Ordinance 102021 Annexation of the BYU Farm Annexation is as follows:

Estimated Fiscal impact – The following estimated fiscal impacts from the project calculated over a 20-year period for the city:

Total estimated net benefit including land, offsite road, and contribution to the city:
\$18,287,000.

Gross Revenue from Taxes, Road Funds, Fees: \$68,767,518.

Liability: Service costs: \$53,103,485.

Total Fiscal Impact of Repealing Law, Lost Net Revenue and Donations: -\$33,951,033

There is no indication that repealing the law would increase or decrease taxes, nor would it result in the issuance or change in the status of bonds or other debt instruments.

Fiscal impacts are variable and difficult to estimate because of unpredictability in the development market and timing of development.

Cost of Referendum – Election Costs to put the referendum to vote are estimated to be \$9,330. Funding for this cost would be from the City General Fund.

Savings/costs to state and local entities would be negligible because any costs that Utah County incurs in road maintenance and public safety would be assumed by Salem City.

Legal impact –There is no estimated significant legal impact upon any person's vested property rights or on other laws or ordinances, nor is there any significant legal liability that Salem City may incur that would result from repealing the law.

Conclusion:

Salem City would lose an estimated amount of net revenue of \$15,664,033 and an estimated net value of \$18,287,000 from the land donations for Public Parks and Recreation facilities along with additional offsite road improvements, **totaling \$33,951,033**. However, there is no indication of City taxes being increased or decreased by the City, and no estimated impact on bonds or debt. The cost of holding an election would be funded by the general fund. There is no estimated cost impact to any state or local government entity. There is no estimated significant legal impact that would result from repealing the law.