

PROPOSITION INFORMATION PAMPHLET – APPLICATION FOR PROPOSED REFERENDUM

REFERENDUM PETITION

To the Honorable Cassie Z. Brown, City Recorder:

We, the undersigned citizens of Utah, respectfully order that Ordinance 2021-31 changing the zoning of property at 300 S. 1550 W. from Agricultural (A-1) to Mixed Use-Development (MXD) and General Commercial (GC), passed by the Syracuse City Council, be referred to the voters for their approval or rejection at the General Election to be held on November 8, 2022.

Lead Sponsors:

Bruce Douglas Hunt

Richard W. Finger

Aaron L. Johnson

Signature forms submitted to Syracuse City Recorder on Friday, November 12, 2021.

PROPOSITION INFORMATION PAMPHLET –REFERENDUM SPONSORS ARGUMENT

Referendum is the tool for citizens to overturn a decision made by the city council that does NOT accurately represent the will of the people. As Citizens of Syracuse, we challenge the decision regarding ordinance 2021-31. The proposed plan for the change to MXD zoning does NOT meet city code for MXD. Failure to meet code is easy cause for denial. Ordinance 2021-31 uses the development agreement to allow this failure to comply with code to go forward. While a development agreement can be used this way, we object to overriding well-crafted safeguards in the ordinance.

Large numbers of citizens wrote in and commented against this proposal. Very little to no support was brought forward in meetings discussing this zone change over multiple meetings from citizens. Overwhelmingly the citizens showed desire for this application to fail.

Hotels are not allowed in MXD. The MXD is supposed to bring with it walkable commerce locations supported with the allowance of higher density housing associated therein. Nearby residents don't equate to likely hotel patrons in a walkable distance.

The purpose of MXD is to bring much needed economic development to the city. A hotel has the potential to bring economic development to nearby restaurants and shopping. By placing a hotel on the edge of the city in this location the nearby establishments served are closer other cities. Furthermore, economic study validates potentially one hotel, and we should not use this limited opportunity in a location the secondary business benefit will more likely end up in other cities.

Hotels are a concern near public schools. This location puts an elementary and high school within ¼ mile. City residents raised concerns of human trafficking and pedophile related crime as potential concerns co-locating a hotel so close to schools and highway access. It is irresponsible to knowingly add a questionable situation in zoning, that creates opportunity for criminal activity when current zoning makes this less likely.

MXD brings with-it high-density housing. This objection is not necessarily toward high density housing, rather the impact of so much in such a short time. Historically we find examples where too much of one thing negatively impacted a city when too much of the same thing was added all at one time. At the time of this ordinance passing there were at least 6 other developments that arguably could be called high density often utilizing apartments as part of the MXD zone. Another large count of apartments for this development adds strain to the cities already burdened resources. We raise the concern that this is too much all at once.

This area is already challenged with traffic issues. The proposal fails to commit to the master planned traffic solutions. Repeatedly mentioned in council meetings was the need for a commitment to connecting roads that have never been shown on the application documents or plan submittals. The application fails to address obvious parking concerns in an already burdened area. Traffic and parking should be documented and accounted with approval.

PROPOSITION INFORMATION PAMPHLET – SYRACUSE CITY ARGUMENT

Syracuse needs economic development to avoid raising additional property taxes.

Since 2014 a hotel has been an official economic development goal for Syracuse. To attract any business to a city, it is necessary to meet the business's demographic requirements, including rooftops, day-time population, distance from competing businesses and major roads. A hotel also requires reasons people will stay. Syracuse is five minutes from Hill Air Force Base, is served by two mortuaries, there will be weddings at the new Syracuse Temple, there is a newly proposed hospital, traveling sports teams, two local golf courses and has connections to two major highways. Antelope Island alone saw 1,051,052 visitors in 2021. This economic activity is currently lost to neighboring cities.

With low unemployment and rising inflation, current information from the County and other cities indicates the cost for city employees and the associated wages are rising significantly. It is essential for Syracuse to stay competitive. Examples include the recent push to increase police wages and hire more officers, the County discontinuing paramedic services thus requiring Syracuse to hire a minimum of nine paramedics, and our woefully understaffed and overworked Parks and Recreation Department. To avoid passing this burden on to Syracuse residents by way of property tax increases or suffer a decreased level of service, this funding best comes from taxes levied on businesses, including a new Transient Room Tax (for hotel visitors) and sales tax revenue. The proposed hotel is anticipated to have a greater commercial impact than any previous mixed-use proposal in Syracuse and comes with no request of tax-subsidized funding. In twenty years, the hotel and included properties are anticipated to create approximately \$10,962,020 in property tax and \$5,836,449 in other taxes and revenue, far exceeding the estimated \$1,635 generated over that same time period if the property were left as it currently stands.

Great effort and thoughtfulness has occurred to integrate this project within our City: Existing homes are buffered by new single-family homes with a streetscape that will be professionally maintained perpetually. Traffic and safety mitigation discussions have begun with UDOT, the neighboring school, neighbors and traffic engineers, including: adding a lane to the 1550 West /193 intersection, a new crosswalk with flashing lights, a new four-way stop, and limiting on-street parking. The development will also contribute to installing a new road to add connectivity to 2000 West and SR-193, which supports the City's Transportation Master Plan.

Everyone is concerned with finite resources. The development will dedicate the required water shares to the City. Drought tolerant plants and landscaping are planned. It will also pay fees to Syracuse to fund water infrastructure, public utilities, parks, police, fire, etc.

This project fits Syracuse's current General Plan and the Economic Development Plan, and is a major win for the City. It is supported by the majority of the City Council, and does not burden the City. It will aid Syracuse in its goals and help reduce the need for raising property taxes in the future.



Mayor
Mike Gailey

City Council
Lisa Bingham
Corinne Bolduc
Dave Maughan
W. Seth Teague
Jordan Savage

City Manager
Brody Bovero

ESTIMATE OF FISCAL AND LEGAL IMPACT
OF REPEALING ORDINANCE 2021-31
WHICH REZONED PROPERTY AT APPROXIMATELY
300 SOUTH 1550 WEST FROM AGRICULTURAL (A-1)
TO MIXED-USE DEVELOPMENT (MXD) AND
GENERAL COMMERCIAL (GC)

TO: Cassie Brown, Syracuse City Recorder
FROM: Stephen Marshall, Syracuse City Administrative Services Director
Paul Roberts, Syracuse City Attorney
DATE: December 2, 2021
RE: Fiscal and Legal Impact of Referendum Petition re: Ordinance 2021-31

In accordance with the requirements of Utah Code Ann. § 20A-7-602.5, the City's budget officer and legal counsel are required to prepare an "unbiased, good faith estimate" of the fiscal and legal impacts of referenda. This is required to be provided within 20 calendar days after the day on which the local clerk submits a copy of the application to the budget officer.

Utah law requires that the analysis include a concise explanation, not exceeding 100 words, of the information included in the analysis. We will begin by providing the concise explanation.

Concise Explanation

This referendum does not impact vested property rights and would negate the development agreement authorized by Ordinance 2021-31. The fiscal impact of repealing Ordinance 2021-31 would include one-time permit and impact fee revenues of approximately \$1,925,000.00 and ongoing property tax revenues of \$37,500.00. There could also be potential impacts on other revenues if Ordinance 2021-31 was repealed; however, it would be difficult to estimate these impacts. We note that if Ordinance 2021-31 is repealed, the property likely would develop in the future and generate one-time permit fees and ongoing property tax revenues. However, the impact would be difficult to estimate.

Fiscal Impact Analysis

When a referendum petition is submitted to the city, state law requires the budget officer to prepare an unbiased, good faith estimate of the fiscal impact of repealing the law the referendum proposes to repeal. See Utah Code Ann. § 20A-7-602.5(2)(a)(i) through § 20A-7-602.5(2)(a)(v). The law specifically requires the opinion to address:

1. A dollar amount representing the total estimated fiscal impact of repealing the law;
2. If repealing the law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax that would be impacted by the law's repeal and a dollar amount representing the total estimated increase or decrease in taxes that would result from the law's repeal;

3. If repealing the law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt that would result;
4. A listing of all sources of funding for the estimated costs that would be associated with the law's repeal, showing each source of funding and the percentage of total funding that would be provided from each source; and
5. A dollar amount representing the estimated costs or savings, if any, to state and local government entities if the law were repealed.

Estimated Fiscal Impact on Repealing ordinance 2021-31

The estimated fiscal impact of this development would include one-time permit and impact fees by approximately \$1,925,000.00 and ongoing property tax revenues by approximately \$37,500.00. There could also be potential impacts on sales tax revenue, municipal energy revenue, and transient room tax (hotel) if Ordinance 2021-31 was repealed, however, it would be difficult to estimate these impacts on the city revenue streams. We also recognize that if Ordinance 2021-31 is repealed, this land likely would eventually develop and bring similar one-time permit and impact fees, as well as ongoing property tax revenues. However, it is difficult to estimate what that impact would be based upon different types of development opportunities.

Would repeal of ordinance cause a change in taxes

As mentioned above, the estimated ongoing property taxes would be \$37,500.00 annually. If Ordinance 2021 is repealed, the city would not receive those tax revenues. However, this land likely would eventually develop and bring additional property tax revenues. It is difficult to estimate what that impact would be based upon different types of development opportunities. We do not anticipate any change in property tax rates to offset the potential lost revenue from this development.

Would repeal of ordinance cause a change in state of bonds or debt

We do not anticipate any effect on our bonds as a result of repealing Ordinance 2021-31.

List of all sources of funding for the estimated costs that would be associated with the law's repeal.

We do anticipate incurring any costs with repealing Ordinance 2021-31.

Estimated costs or savings in ordinance is appealed

We do anticipate any costs or savings to the city if Ordinance 2021-31 is appealed.

Legal Impact Analysis

When a referendum petition is submitted to the city, state law requires the city attorney to generate an unbiased, good faith estimate of the legal impact of repealing the law the referendum proposes to repeal. *See* Utah Code Ann. § 20A-7-602.5(2)(a)(vi). The law specifically requires the opinion to address:

1. Any significant effects on a person's vested property rights;
2. Any significant effects on other laws or ordinances;

3. Any significant legal liability the city, county, or town may incur; and
4. Any other significant legal impact as determined by the budget officer and the legal counsel.

Effect on vested property rights

The decision of the city council, if overturned, will not affect vested property rights, because the decision itself is what vests the property owner with the right to develop mixed-use and commercial uses. If overturned, the property would remain vested only as to agricultural uses.

Effects on other laws or ordinances

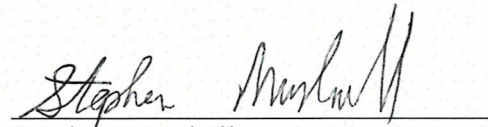
The ordinance also authorized the execution of a development agreement in conjunction with the zone change. However, the development agreement specifically states that if the zoning decision is overturned via referendum, then the agreement is void and not applicable. Therefore, if this zoning decision is overturned, it will also nullify the development agreement which was authorized by the city council in Ordinance 2021-31.

Legal liability the city, county or town may incur

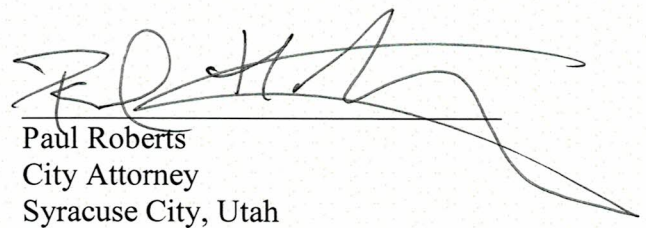
The city council has broad discretion when making zoning determinations, and its citizens have co-equal authority to the city council in such matters through the referendum process. Whether to approve this zoning request is reasonably debatable, rendering either result legally defensible. As such, a successful referendum will not significantly increase the city's liability with respect to this development.

Other significant legal impacts

I am unaware of any other significant legal impacts related to the repeal of the ordinance.



Stephen Marshall
Administrative Services Director
Syracuse City, Utah



Paul Roberts
City Attorney
Syracuse City, Utah