



PROPOSITION INFORMATION PAMPHLET

For the referendum that has been filed against the decision of the Garden City Town Council on February 10, 2022 to rezone Recreational Residential, Single Family Residential, Hillside Estates, and C3-Commmercial land with a PUD overlay on land located south of Hodges Canyon Road and west of Highway 30.

This pamphlet includes the following:

- Referendum Application
- Argument of the Sponsors
- Rebuttal by the Town of Garden City
- Fiscal and Legal Impact Statement

Application for Local Referendum Petition

Date submitted:

February 16, 2022

We, the below listed sponsors, submit this application for local referendum petition to the Town of Garden City, Utah.

On February 10, 2022, the Garden City Town Council voted to approve a re-zone of several residential parcels and one commercial parcel into a PUD zone at the request of Sun Acquisitions. The zone change was a legislative act.

Pursuant to Utah Code 20A-7-602:

1. Attached are the names, residence addresses, and notarized signatures of each sponsor.
2. Each sponsor is a voter registered in the State of Utah.
3. Individuals gathering signatures for the petition may be compensated for time spent gathering signatures.
4. We are referring the PUD re-zone approval granted to Sun Acquisitions by the Garden City Town Council on February 10, 2022. We note that the re-zone approval is in conflict with Chapter 11F-101 of the Garden City Ordinance, and request a referendum vote to revoke the re-zone approval.
5. One copy of the relevant ordinance accompanies this application.

Sponsors:

James Bradley Davis

Myron Workman

Brian House

Jayne Hodges Davis

Byron Case

Lana Hodges

Ramona Case

Julie Fraughton

Carolyn Butters

Statement of Sponsorship

I declare that I am sponsoring the accompanying application for local referendum petition presented to the town of Garden City Utah regarding the PUD re-zone granted to Sun Acquisitions by the Town Council on February 10, 2022.

I declare that I am a registered voter in the State of Utah as required by Utah Code 20A-7-602.

Legal Name (PRINT)

JAMES BRADLEY DAVIS

Residence Address

1499 S. BARK LANE BLVD

GARDEN CITY, UT 84028

Signature

[Handwritten Signature]

Date

FEB 15, 2022

State of Utah)
) §.
County of Rich)

On this 15 day of February, ²⁰²²~~2021~~, James Bradley Davis
(name of document signer)

personally appeared before me, Cathie Rasmussen, a notary public, who being by me duly sworn did prove on the basis of satisfactory evidence that they, the signer of this document,

Statement of Sponsorship
(name of document)

dated February, ²⁰²²~~2021~~, 15, who duly acknowledged to me that they executed and signed the same.

signed the same.

Witness my hand and official seal.

Cathie Rasmussen
Notary Signature



(seal)

Statement of Sponsorship

I declare that I am sponsoring the accompanying application for local referendum petition presented to the Town of Garden City regarding the PUD re-zone granted to Sun Acquisitions by the Town of Garden City on February 10, 2022.

I declare that I am a registered voter in the State Of Utah as required by Utah Code 20A-7-602

Legal Name (PRINT) BRIAN RICHARD HOUSE

Residence Address 1759 SOUTH BEAR LAKE BLVD
GARDEN CITY, UTAH 84028

Signature 

Date 2-15-2022

Acknowledgment

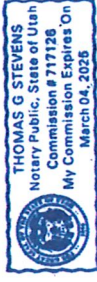
State of Utah)
 \$
County of Rich)

On this 15th day of February, in the year 2022, before me, Thomas G Stevens a notary
date month year notary public name

public, personally appeared Brian Richard House, proved on the basis of satisfactory
name of document/signer

evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged
(he/she/they) executed the same.

Witness my hand and official seal.




(notary signature)

(seal)

Statement of Sponsorship

I declare that I am sponsoring the accompanying application for local referendum petition presented to the town of Garden City Utah regarding the PUD re-zone granted to Sun Acquisitions by the Town Council on February 10, 2022.

I declare that I am a registered voter in the State of Utah as required by Utah Code 20A-7-602.

Legal Name (PRINT): BYRON CASE

Residence Address: 1729 S Bear Lake Blvd

Garden City, Utah, 84028

Mailing Address: 2479 N Joni Dr

Layton, Utah, 84040

Signature 

Date 2/15/2022

Jurat Certificate

State of Utah)
County of Denver)

Subscribed and sworn to before me Lisa M. Whitney a notary public, on this 15 day

of February, in the year 2022 by Byron Case

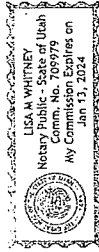
Notary Public Name

Month

Year

Name of Document Signer

S
E
A
L



Lisa M. Whitney
Signature of Notary Public
Jan 13, 2024
Commission Expires

Description of Attached Document

Title or Type of Document: Statement of Sponsorship

Document Date: 2/15/2022 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Statement of Sponsorship

I declare that I am sponsoring the accompanying application for local referendum petition presented to the town of Garden City Utah regarding the PUD re-zone granted to Sun Acquisitions by the Town Council on February 10, 2022.

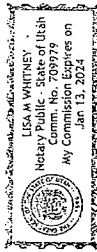
I declare that I am a registered voter in the State of Utah as required by Utah Code 20A-7-602.

Legal Name (PRINT): RAMONA CASE
Residence Address: 1729 S Bear Lake Blvd
Garden City, Utah, 84028
Mailing Address: 2179 N Joni Dr
Layton, Utah, 84040

Signature: Ramona Case
Date: 2-15-2022

Jurat Certificate

State of Utah)
County of Davis)
Subscribed and sworn to before me Lisa M Whitney, a notary public, on this 15 day
of February, in the year 2023 by Ramona Case
Notary Public Name
Month Year Name of Document Signer
Signature of Notary Public
Commission Expires



Description of Attached Document

Title or Type of Document: Statement of Sponsorship
Document Date: 2/15/2022 Number of Pages: 1
Signer(s) Other Than Named Above:

Statement of Sponsorship

I declare that I am sponsoring the accompanying application for local referendum petition presented to the town of Garden City Utah regarding the PUD re-zone granted to Sun Acquisitions by the Town Council on February 10, 2022.

I declare that I am a registered voter in the State of Utah as required by Utah Code 20A-7-602.

Legal Name (PRINT) Myron Leigh Workman
Residence Address 2015 S 370 W
Perry UT 84302
myl work
Signature [Signature]
Date 2-15-22

Acknowledgment

State of Utah)
County of Box Elder)

On this 15 day of FEBRUARY, in the year 2022, before me, APRIL MILLER, a notary public, personally appeared MYRON WORKMAN, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal.



April Miller
(notary signature)

(seal)

Statement of Sponsorship

I declare that I am sponsoring the accompanying application for local referendum petition presented to the town of Garden City Utah regarding the PUD re-zone granted to Sun Acquisitions by the Town Council on February 10, 2022.

I declare that I am a registered voter in the State of Utah as required by Utah Code 20A-7-602.

Legal Name (PRINT) Jayne H Davis
Residence Address 1494 So Bear Lake Blvd
Garden City, UT 84028
Signature Jayne H Davis
Date Feb 15, 2022

State of Utah)
) §.
County of Rich)

On this 15 day of February, ²⁰²²2021, Jayne H Davis
(name of document signer)

personally appeared before me, Cathie Rasmussen, a notary public, who being by me duly sworn did prove on the basis of satisfactory evidence that they, the signer of this document,

Statement of Sponsorship
(name of document)

dated 2-15-2022, 2021, who duly acknowledged to me that they executed and signed the same.

signed the same.

Witness my hand and official seal.

Cathie Rasmussen
Notary Signature



(seal)

Statement of Sponsorship

I declare that I am sponsoring the accompanying application for local referendum petition presented to the town of Garden City Utah regarding the PUD re-zone granted to Sun Acquisitions by the Town Council on February 10, 2022

I declare that I am a registered voter in the state of Utah as required by Utah Code 20A-7-601

Lana P Hodges
111 West Hodges Canyon Road

Garden City, Utah 84028

Lana P Hodges

February 15, 2022

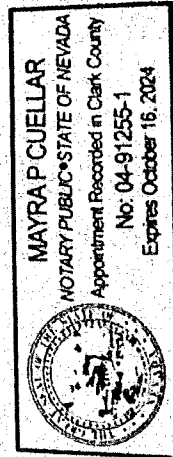
On this date I certified the above signature

Notary

State of Nevada
County of Clark

This instrument was acknowledged before me on 2/15/2022 by Lana P Hodges

Mayra P Cuellar
Signature of notarial officer



Statement of Sponsorship

I declare that I am sponsoring the accompanying application for local referendum petition presented to the town of Garden City Utah regarding the PUD re-zone granted to Sun Acquisitions by the Town Council on February 10, 2022.

I declare that I am a registered voter in the State of Utah as required by Utah Code 20A-7-602.

Legal Name (PRINT)

Julie Fraydette

Residence Address

39 Hodges Canyon

Garden City UT. 84028

Signature

Julie Fraydette

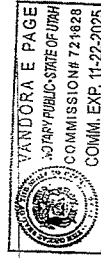
Date

2/16/22

State of Utah, County of Utah

On this the 16th day of February, 2022, personally appeared before me V.P., personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Vandora E Page
Notary Signature



Statement of Sponsorship

I declare that I am sponsoring the accompanying application for local referendum petition presented to the town of Garden City Utah regarding the PUD re-zone granted to Sun Acquisitions by the Town Council on February 10, 2022.

I declare that I am a registered voter in the State of Utah as required by Utah Code 20A-7-602.

Legal Name (PRINT) CAROLYN T. BUTTAS
Residence Address 2418 Regency Dr
 Ogden UT 84403
Signature Carolyn T. Buttars
Date 2-15-2022

In the County of WILSON State of Utah, Subscribed
and sworn to before me this 15 day of February, 2022 by
Carolyn Buttars

Whitney Shupe
Notary Signature and seal



Argument of the Sponsors

Argument By:

James Bradley Davis
1499 S Bear Lake Blvd
Garden City, UT 84028

Town of Garden City, Utah
69 North Paradise Parkway Bldg. B
Garden City, Utah 84028

Attention: Town Clerk
Elections Officer

Pursuant to Utah Code 20A-7-401.5(1)(a), the sponsors of the Referendum Application, seeking to refer the petition to the re-zoning application for Sun Acquisition, submit the following written argument in favor of the proposed referendum:

The Town of Garden City recently re-zoned 105 acres from residential use to a Planned Unit Development (PUD). The purpose of this re-zone is to accommodate a large-scale RV Park development. Your neighbors, residents and landowners of Garden City, have filed a petition to put this re-zone decision on the ballot for a referendum vote. This vote will allow the voters of Garden City an opportunity to decide whether to revoke said re-zone.

We feel that this action by our town government is detrimental to the health, safety, and aesthetic of Garden City. The proposed development will consist of 482 units total, including RV sites, "glamping" sites and tent sites. This does not meet the ordinance requirements for a PUD zone. A PUD zone is described in the Town Ordinance as a mixed-use zone that includes residential living, commercial uses, and public easements. The development lacks both residential living and public easements. Further, the re-zoning action passed violates town ordinance 11F-101, in both spirit and letter.

The traffic and density studies submitted are inaccurate and use outdated or skewed data. The traffic data presented came from a 2019 study collected for enlargement of the Bear Lake State Marina, and fails to reflect the significant increase in seasonal traffic following the COVID pandemic. The density study uses data that fails to take into account the difference between residential automobile traffic and commercial RV traffic along the narrow SR-30 corridor. It additionally fails to take into account the impact that nearly 2,000 daily visitors will have on Garden City and Bear Lake. The study uses best-case data for the RV park, while using worst-case data for residential projections, skewing the data significantly.

Public response to this proposed development has been overwhelmingly negative, from residents, adjacent landowners, and affected Home Owner's Associations (HOA). Town government has adopted the position that public interest and comment is not relevant to this decision. We believe that this stance is erroneous, as a matter of community as well as law.

Brad Davis

Representing the sponsors of the petition submitted on February 16, 2022

Rebuttal to Argument by the Town of Garden City

Rebuttal By:

Ken Hansen

1234 S Bear Lake Blvd

Garden City, UT 84028

Sponsors of the Proposed Referendum

Attention: Town Clerk

Elections Officer

Pursuant to UCA 20a-7-401.5(1)(a), The Town of Garden City responds to the Sponsors of the Referendum and submit the following arguments in favor of the re-zoning application for Sun Acquisition.

The Town Of Garden City stands by its decision to approve the re-zone and Pud overlay for Sun Acquisition and believes that the grounds for doing so to be Legal and correct. Therefore we believe the grounds for a referendum to be nonexistent.

The sponsors through their letter have stated that there are detrimental issues with health, safety and aesthetic as a result of the approval of the zone change. However they have failed to describe other than very generally what those issues are. Without specific reasons and proof we are left to be skeptical at best to base these comments as totally arbitrary.

The sponsors have indicated that the project lacks qualifications to be approved as a PUD and thus the Zone change is in violation. What they failed to tell you in their arguments is that there is indeed a full gamut of mixed uses included in the proposed project. The project does have recreational opportunities, on-site living for caretakers, park model accommodations, commercial businesses, camping sites ,and glamping, all of which are in conformity with the PUD ordinance. The project has also accommodated adjacent neighbors with a generous set back allowance for a buffer Zone.

The sponsors have referenced the UDOT traffic study as a major problem with the project. What they failed to mention is that the project is in the very beginning stages of approval. By not allowing them to go through the process of the Planning and Zoning and Town Council will surely deny them one of our most important freedoms in this Country of Due Process. By denying them this right would make the Petition sponsors Arbitrary and Capricious. The argument presented makes an assumption by the sponsors as opinion without facts.

Finally it is assumed by the Sponsors that there is overwhelming support for referendum by registered full time residents. We would question that that is not the case.

Finally the Members of the Town Council would take deference to the statement by the sponsors that any Citizen input is not important to the decision process of the Town. We love this community and have always had it's best interest at heart.

Garden City Town Council March 3, 2022



INITIAL FISCAL AND LEGAL IMPACT STATEMENT

In accordance with the Utah Election Code (Utah Code Ann. § 20A-7-602.5, the Garden City Town Council, with the assistance of the Garden City Attorney, provides the following good faith estimate of the fiscal and legal impact of repealing the decision of the Garden City Town Council on February 10, 2022 to rezone the 105 acres of property proposed for the Bear Lake RV Resort to the PUD Zone:

Total estimated fiscal impact of repealing the law:	\$30,782,205 (cumulative over 10 yrs)
Estimated Tax Increase or decrease:	\$0.00
Estimated increase or decrease in public debt:	\$0.00
Sources of funding for the estimated costs:	None.
Estimated cost or savings if the law were repealed:	See above for fiscal impact

The Town Council estimates that repealing the zoning decision may have a total fiscal impact of \$30,782,205 over the next ten years. This number is derived from the Town Council's estimate of the lost revenues from sources such as property taxes, sales taxes, resort taxes, transient room taxes, sales tax ancillary, and resort tax ancillary in accordance with the following numbers:

Property Tax	5,242,741
Sales Tax	6,057,429
Resort Tax	871,572
Transient Room Tax	4,855,759
Sales Tax Ancillary	2,087,769
Resort Tax Ancillary	300,397

Community Spending	11,366,538
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30,782,205

In addition to the foregoing fiscal impact, the Town Council estimates the legal impact of repealing the zoning decision would include a significant effect on the landowner's vested right in the approval of the concept plan for the Bear Lake RV Resort because it would not allow the development to move forward. However, it does not appear there will be any significant effect on other laws or ordinances of Garden City or that Garden City will incur any significant legal liability. Other than the foregoing, it does not appear there would be any other significant legal impact if land use zoning decision was repealed.

Prepared by:

Garden City Town Council, by and through Kenneth Hansen

Seth J. Tait of Olson & Hoggan, LLC, Garden City Attorney