The City of Spanish Fork, Utah

Proposition Information Pamphlet

For the referendum that has been filed to put the approval of the Ordinance Z09-22 entitled, "AN ORDINANCE CHANGING THE ZONING DESIGNATION AND AMENDING THE OFFICIAL ZONING MAP OF SPANISH FORK CITY, FOR THE MODERA ZONE CHANGE" on the ballot for the residents to vote for or against.

This pamphlet includes:

1. A copy of the referendum application (p. 2)
2. An argument submitted by the sponsors (p. 14)
3. An argument submitted by Spanish Fork City (p. 16)
4. A copy of the Fiscal and Legal Impact Statement provided by the Spanish Fork City Attorney and Budget Officer. (p. 18)

TO BE CIRCULATED WITH REFERENDUM PETITION SIGNATURE SHEETS

Local Referendum Application:

TO PLACE A CITIZEN'S REFERENDUM TO REPEAL ORDINANCE NO. Z09-22

To the Honorable Tara Silver, Spanish Fork City Recorder:

On May 17, 2022, the Spanish Fork City Council adopted Ordinance No. Z09-22, entitled, AN ORDINANCE CHANGING THE ZONING DESIGNATION AND AMENDING THE OFFICIAL ZONING MAP OF SPANISH FORK CITY, FOR THE MODERA ZONE CHANGE.

We, the undersigned citizens of Utah, respectfully order that the decision of the Spanish Fork City Council on May 17, 2022 for subject property known as Modera (the "Property") located in the area of 2000 West 1900 South Spanish Fork to rezone from Rural Residential to Commercial 2 and Residential 4, be referred to a vote of the people for the their approval or rejection at the next general election to be held in November 2023 or at an earlier election as allowed by Utah law.

The proposed referendum will ask Spanish Fork City residents to repeal Spanish Fork City Council's enactment of Ordinance No. Z09-22, with the result of not rezoning the for the Property known as Modera (the "Property") as Commercial 2 and Residential 4 set forth as depicted in the exhibit attached hereto. If the proposed referendum passed, the Property's former zoning reinstated.

This application is being filed with the clerk of Spanish Fork City, in accordance with Utah Referendum Code 20A-7-Part 6. It is being submitted by seven sponsors of the referendum petition whose names are below and whose signatures pages and certificates are included.

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

Submitted on: 5/23/2022 @ 1:49pm JL

By the following Sponsors:

1. Jackie Marie Larson
2. Cindy S. Smith
3. Susan W. Larson

Gary Larson

Janice S. Harris

Daniel C. Davis

Haley Davis

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Jackie Marie Larson, affirm that I am a resident of Utah, am registered to vote in the State of Utah, and have voted in a regular general election in Utah within the last three years.

Name of Sponsor

Residence Address: 350 North 100 East

City, State, Zip: Spanish Fork, UT 84660 Phone: (801)995-2451

Email: (optional) jackiemlarson@gmail.com

Sponsor's Signature: Jackie M Larson

Subscribed and affirmed before me this 22 day of May, 2022.

By Ella Lowder

Notary Public

Notary Seal

ELLA LOWDER
Notary Public, State of Utah
Commission #717342
My Commission Expires
03/16/2025

ELLA LOWDER
Notary Public, State of Utah
Commission #717342
My Commission Expires
03/16/2025

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Cindy S. Smith, affirm that I am a resident of Utah, am registered to vote in the State of Utah, and have voted in a regular general election in Utah within the last three years.

Name of Sponsor

Residence Address: 1307 S. 2000 W.

City, State, Zip: Spanish Fork, Ut 84660 Phone: 801-361-2557

Email: (optional)

Sponsor's Signature: Cindy S Smith

Subscribed and affirmed before me this 22 day of May, 2022.

By Ella Lowder

Notary Public

Notary Seal

ELLA LOWDER
Notary Public, State of Utah
Commission #717342
My Commission Expires
03/16/2025

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Suzan W. Larson, affirm that I am a resident of Utah, am registered to vote in the State of Utah, and have voted in a regular general election in Utah within the last three years.

Name of Sponsor

Residence Address: 7552 So 1400 W

City, State, Zip: Spanish Fork UT 84660 Phone: 8013761476

Email: (optional) suzanlarson@gmail.com

Sponsor's Signature: Suzan W Larson

Subscribed and affirmed before me this 22 day of May, 2022.

By Ella Lowder

Notary Public

Notary Seal

ELLA LOWDER
Notary Public, State of Utah
Commission #717342
My Commission Expires
03/16/2025

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

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

Name of Sponsor

Residence Address: 7553 S 1400 W

City, State, Zip: Spanish Fork UT 84660 Phone: 801-319-7057

Email: (optional) GaryTedLarson@Gmail.Com

Sponsor's Signature: Gary Larson

Subscribed and affirmed before me this 22 day of May, 2022.

By Ella Lowder

Notary Public

Notary Seal

ELLA LOWDER
Notary Public, State of Utah
Commission #717342
My Commission Expires
03/16/2025

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Janice S. Harris, affirm that I am a resident of Utah, am registered to vote in the State of Utah, and have voted in a regular general election in Utah within the last three years.

Name of Sponsor

Residence Address: 7357 S. 1400 W.

City, State, Zip: Spanish Fork, UT 84660 Phone: 801 234-9896

Email: (optional) harrisfamclan@gmail.com

Sponsor's Signature: Janice S. Harris

Subscribed and affirmed before me this 22 day of May, 2022.

By Ella Lowder

Notary Public

Notary Seal

ELLA LOWDER
Notary Public, State of Utah
Commission #717342
My Commission Expires
03/16/2025

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Daniel C. Davis, affirm that I am a resident of Utah, am registered to vote in the State of Utah, and have voted in a regular general election in Utah within the last three years.

Name of Sponsor

Residence Address: 1196 So Mill Rd

City, State, Zip: Spanish Fork Phone: 801 369 7692

Email: (optional)

Sponsor's Signature: D.C.

Subscribed and affirmed before me this 23 day of May 2022, 20____.

By

Notary Public

Notary Seal

MADILYN ROSE
Notary Public - State of Utah
Comm. No. 708740
My Commission Expires on
Oct 18, 2023

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

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

Name of Sponsor

Residence Address: 1196 S. Mill Rd

City, State, Zip: Spanish Fork, UT 84660 Phone: 435.590.8311

Email: (optional)

Sponsor's Signature: Haley Davis

Subscribed and affirmed before me this 23 day of May, 2022.

By

Notary Public

Notary Seal

JESSICA MARIE LEWIS
Notary Public - State of Utah
Comm. No. 710009
My Commission Expires on
Jan 14, 2024

REFERENDUM APPLICATION EXHIBIT

ORDINANCE No. Z09-22

ROLL CALL

VOTING	YES	NO	ABSENT	ABSTAIN
MIKE MENDENHALL Mayor *(votes only in case of tie)*				
CHAD ARGYLE *Councilmember*	X			
STACY BECK *Councilmember*	X			
BRANDON B. GORDON *Councilmember*	X			
SHANE MARSHALL *Councilmember*	X			
KEVIN OYLER *Councilmember*	X			

I MOVE this ordinance be adopted: Councilmember Beck

I SECOND the foregoing motion: Councilmember Gordon

ORDINANCE No. Z09-22

AN ORDINANCE CHANGING THE ZONING DESIGNATION AND AMENDING THE OFFICIAL ZONING MAP OF SPANISH FORK CITY, FOR THE MODERA ZONE CHANGE.

WHEREAS the Modera Zone Change is located in the vicinity of 2000 West 1900 South;

WHEREAS it is desirable to change the zoning of the properties from R-R to R-4 and C-2;

1

WHEREAS the proposal has been referred to the Planning Commission for consideration in accordance with law;

WHEREAS the Planning Commission held a public hearing on April 6, 2022, wherein public comment was received; and

WHEREAS a public hearing was held before the Spanish Fork City Council on April 19, 2022, wherein public comment was received;

NOW, THEREFORE, be it ordained by the City Council of Spanish Fork City as follows:

Section 1. Spanish Fork City Zoning Map Designation. The parcels as identified on Exhibit A, attached hereto and incorporated herein by this reference, are hereby designated to R-4 and C-2.

Section 2. Effective Date. This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH: May 17, 2022.

Mike Mendenhall, Mayor

Attest:

Tara Silver, City Recorder

Exhibit A

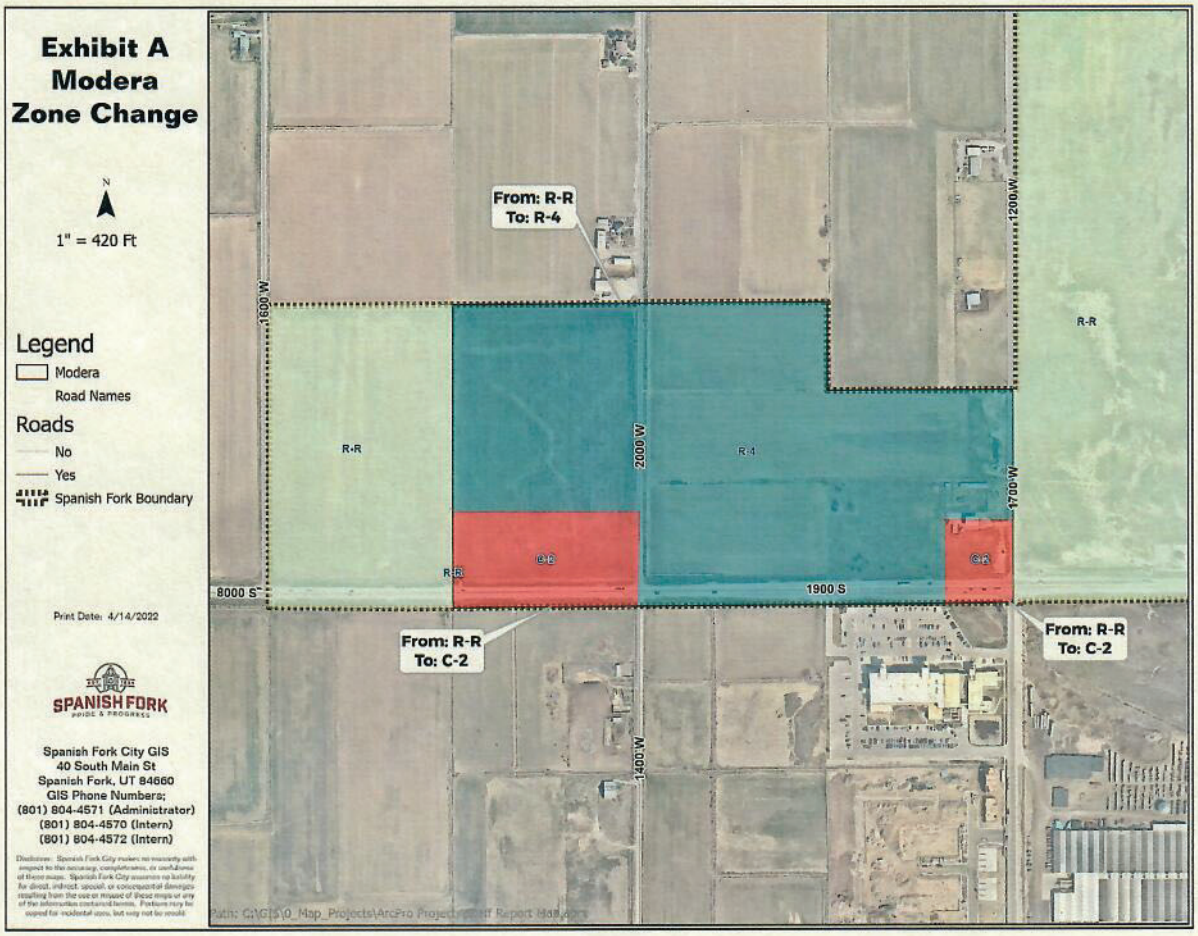
Exhibit A
Modera
Zone Change
N
1" = 420 Ft
Legend
Modera
Road Names
Roads
No
Yes
Spanish Fork Boundary
Print Date: 4/14/2022
SPANISH FORK
PRIDE & PROGRESS
Spanish Fork City GIS
40 South Main St
Spanish Fork, UT 84660
GIS Phone Numbers:
(801) 804-4571 (Administrator)
(801) 804-4570 (Intern)
(801) 804-4572 (Intern)
From: R-R
To: R-4
From: R-R
To: C-2
From: R-R
To: C-2
1600 W
2000 W
1200 W
1700 W
1400 W
8000 S
1900 S
R-R
R-4
C-2

Argument Prepared by the Sponsors of the Proposed Referendum

Referendum is the tool for citizens to overturn an ordinance made by the city council that does NOT accurately represent the interests of the community.
The referendum is only asking for the opportunity to vote – be it for or against zoning incompatible development in our farmland.

The decision made by our city council to rezone property **at the fringe of Spanish Fork** from **Rural** Residential to **High Density** and future **Commercial** introduced **conflicting land uses** within our **long-established agriculture community**, despite the proposal being met with opposition from several neighboring residents who expressed concerns regarding the impact on **public safety, traffic, economic prosperity, environmental integrity, general welfare, inherent conflict**, and **character of our community.**

The ordinance rezoning for an **island-like** development allowing **18 units/acre is incompatible with surrounding farms.**

This location is in the **center of a predominantly agriculture area** that is known to have a high-water table and be vulnerable to quicksand.

It is not moderate-income housing, and likely will only further **increase housing prices**.

Because the rezoning allows for **high-scale development** in a location **isolated** from parks and commerce areas in town, **it does not provide opportunities for pedestrian access.**
The **traffic density** of the 1,600+/- vehicles will **wreak havoc** on surrounding roads and inadequate infrastructure that **cannot support** the **traffic** and **congestion that density brings** and won't be improved unless our farmland is replaced with development.

The developer refused to follow process to help minimize impacts of development on bald eagles and other protected wildlife. **The raptors and birds themselves** that winter, roost, and hunt here **are legally protected from a disturbance** that could significantly disrupt normal behavioral patterns. Even after being offered the application for the survey, the developers seemingly did not care to **assess the impact their development would have on our ecosystem**.

This type of zoning degrades, reduces, and **ultimately destroys** our greenbelt area, which provides critical ecosystems and resources.

As the population increases, so does the **demand for agriculture**. Nationally, 7% of the economy and 29% of jobs are linked to agriculture.

Farmland is a limited resource. Most of the world's grasslands cannot grow crops, and Utah soil is predominantly poor quality.

But our farmland in Leland is more than a heritage and a legacy; it's classified as Farmland of **Statewide Importance**, and **Prime Farmland** if Irrigated; **essential to our food security and economy.**

Not only will this ordinance **change the character of our community**, but it's **detrimental** to the use of the land **for agriculture**.

The "vision" to develop our farmland conflicts with **the family farms of this area, who don't want to be pushed out by developers**.

There is no replacement for our agricultural land. Our farms, ranches, and natural areas are **at risk of being lost forever** to haphazard development.

By signing the petition, you help put this issue on the next ballot for voters to decide.

THANK YOU

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PRIDE & PROGRESS

CITY'S POSITION - MODERA ZONE CHANGE

Legislative Direction

The Utah Legislature has directed cities to improve connections between housing and transportation by locating housing near major transportation corridors.

Land Use and Transportation

Voters elected the City Council to adopt laws, zoning ordinances, and establish land use zones. In carefully exercising that duty placed upon them, the City Council has adopted a general plan to guide development to the most appropriate areas.

The area of this zone change - close to the freeway and directly across the street from the Revere Health clinic in Salem - has been planned for commercial and the City's most intense residential uses for over a decade. Salem has also planned for significant commercial and residential growth on the south side of SR-164 (8000 South). The reason for designating this area as an area for commercial and residential growth is due to its location near the freeway interchange, making transportation more efficient. Otherwise, traffic would be forced to wind its way through neighborhoods, Main Street, and the rest of town to get to the freeway. Placing commercial and residential growth nearest the freeway is the most efficient transportation model.

Agriculture Protection

Spanish Fork, home of the Fiesta Days Rodeo and Utah County Fair, values its agricultural heritage. The City encourages farmers to continue farming as long as they desire. The Council's approval of this zone change included several protections for surrounding properties. Additionally, City staff has met with the petition sponsor on many occasions to understand concerns and offer assistance. Due to these discussions, the City is considering an additional ordinance to facilitate implementation of agriculture protection areas.

Here, landowners have decided not to farm their property anymore and have sold it. Growth and development **ONLY** occur if **landowners decide** to sell their property. All other owners in this area, including the petition sponsors and owners in future agriculture protection areas, share that same right.

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Other Considerations

Referendum elections on zone changes add significant costs and cause inefficiencies in government. It also severely impacts the housing supply in the market, which already prices out young families and service workers.

Relying on the future vision and direction given by the general plan, the City also recently installed a $16.9 million major sewer trunk line and lift station in the area partly to serve the growth in this part of the community. To ignore or reverse the plan would waste these valuable resources.

Developer must provide water formerly used for irrigation, resulting in no impact on City's water supply.

Response to Sponsors' Argument

- Freeway interchanges are natural centers for commercial/residential development.
- Traffic will function better near a State Highway and a Freeway.
- Farming can continue as long as farmers want.
- Adding housing to the market will increase supply.
- Little impact on public safety.
- Economic impact is positive. Overturning the rezoning would cause the City to lose $5.8 million net revenue over 20 years.
- Environment (no Critical Habitat, no threatened/endangered wildlife in this area, soils will be engineered).

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Fiscal and Legal Impact - Referendum - Modera Zone Change

This report contains the fiscal and legal impact of repealing ordinance Z09-22, Modera Zone Change (hereafter, the law), and follows the requirements of Utah Code 20A-7-602.5 as follows:

Estimated Fiscal Impact

Resulting from this zone change, it is estimated that there will be:

- Direct and indirect **costs** to the City's general fund of $17,701,761 over 20 years, or an average of $885,088 per year.
- Direct and indirect **revenue** to the City's general fund of $23,563,452 over 20 years or an average of $1,178,172 per year.
- The **net result** of new revenues from the subject site are anticipated to be $5,861,692 over 20 years or an average of $293,084 per year.
- Major sources of new revenues to the City's General Fund will be from new property taxes from the subject properties, additional sales tax from new residents and new energy taxes from new utility customers.

The City recently expended $16.9 million to construct a new sewer lift station and sewer trunk line to efficiently serve current utility customers and new development in the area of the zone change. A significant portion of the repayment of this expenditure will be by impact fees and monthly utility payments from new development in the area. If little or no development occurs in the subject area, all other rate payers in the City will make up the difference in their monthly utility bill, which is estimated to be about $17 per year or $1.42 per month.

Estimated Tax Impact

It is estimated that the proposed development would increase tax revenue to the City's General Fund. If the zone change is repealed, the city would not receive the following estimated annual taxes derived from the subject property or resulting residents:

- Property taxes: $180,363
- Sales taxes: $443,099
- Energy taxes: $99,086
- Miscellaneous taxes: $15,888
- Total Estimated Annual Tax not received if repealed: $738,436

Estimated Change in Public Debt

The repeal of this zone change will not change the status of a bond, note, or other debt instrument.

Funding Sources for Public Costs

All costs associated with the law's repeal would come from the City's General Fund.

Estimated Public Costs

The public cost of administering the election may include some or all of the following:

- The Referendum Election administered by Utah County: Not to exceed $21,594, as quoted by the Utah County Elections Division.
- Costs to do the Fiscal Analysis, performed by an Independent third party: Not to exceed $5,000.
- The estimated cost of City staff time to administer the referendum and election process is $7,461. This includes the total costs for the time spent by the City Recorder, City Attorney and Budget Officer as prescribed by State Code.

Estimated Legal Impact

Litigation is inherently uncertain, but the City estimates there is no significant legal impact upon any person's vested property rights or on other laws or ordinances, nor is there any significant legal liability that Spanish Fork City might incur that would result from repealing the law. However, if the zone change is overturned and challenged, it is possible that the City could incur as much as $30,000 in legal fees to defend the lawsuit.

Fiscal and Legal Impact Summary

The development resulting from the zone change will generate tax and other revenues greater than the expenditures that would be required to service the resulting development. The area is served by a new sewer lift station and trunk line that is funded by a bond. Payments for part of the bond will come from impact fees and user fees from the new development. If that new development does not occur, debt payments will be made up by existing users. There are some additional costs to consider including the cost of an election and the cost to defend against possible litigation.