

PROPOSITION INFORMATION PAMPHLET – APPLICATION FOR PROPOSED REFERENDUM

Referendum Petition

To the Honorable Cassie Brown, Syracuse City Recorder.

We, the undersigned citizens of Utah respectfully order that Syracuse City General Plan and map, passed by the Syracuse City Council on Tuesday September 10, 2019 be referred to the voters for their approval or rejection at the general election to be held on November 3, 2020

Lead Sponsors:

Bonnie Bourgeois

Mike Spencer

Tracy Silva

Cheryl Barker

Ginger Johnson

Tara Hamblin

Signature Forms Submitted to Syracuse City Recorder on Wednesday September 11, 2019 and Thursday September 12, 2019

PROPOSITION INFORMATION PAMPHLET –REFERENDUM SPONSORS ARGUMENT

Dear Syracuse Residents,

The recent 2050 effort by Syracuse City office to update the general plan has identified problems going forward that will require considerable skill and effort to navigate without very serious consequences to the city. This plan was adopted with little input from actual citizens of Syracuse. The “Mayor’s Task Force” consisted mostly of developers and individuals who lived outside the boundaries of Syracuse City

This well-intended look forward was used to produce a change to the general plan that will remove much needed protection of existing neighborhoods. The plan has eliminated residential density as R1, R2, R3 where exactly how many homes per acre are allowed is simple and clear. The new zoning overlays have 3 densities: low, medium and high. The low density is ANY single home, which includes the 0.08 acre or 12 homes per acre in PRC. This change in wording gives too much freedom to developers with little oversight from the Planning Commission and the City Council. The use of zoning overlays such as the PRD and PRC has loopholes that allow open or common spaces to be relocated to a distant park that **may** be built someday in another neighborhood. This artificially lowers the density of the plat. PRC and PRD are also allowed to call cement walkways and pavement open space. These high density housing projects are built at the expense of all the existing neighbors and do not benefit the city.

The experience with the Shoreline project indicated that the PRC and PRD designation cannot be relied on to protect existing neighborhoods. These high density housing projects will put extra demand on our already overburdened roads, schools and water system, whereas many residents already experience low water pressure.

The new plan fails the city procedure for administrative and development review procedures, section 10.20.090(E), indicates that changes to the general plan and general plan map should be harmonious with overall characteristics of existing development in the vicinity. The procedure also indicates that changes should also be consistent with the standards of the existing community after the applicable overlay zone is created and to the extent to which it may adversely affect adjacent properties.

Consideration also must be given to the adequacy of public facilities, water pressure, roads, parks and recreation facilities and proper access to fire station(s) and police services. Impact to public schools and storm water drainage should also be considered. The new broadly defined “2050 Vision” general plan map will remove almost all protection provided to existing residents from unscrupulous developers and make it difficult for the Planning Commission and City Council to turn down development that does not meet the needs and best interests of the community.

We oppose the Vision 2050 plan and map due to the loose wording on zoning that will allow developers, rather than Syracuse citizens, to dictate the future of our city. Any change to the general plan needs to be properly vetted with multiple citizen input prior to becoming final.

PROPOSITION INFORMATION PAMPHLET – SYRACUSE CITY ARGUMENT

The General Plan is advisory and non-binding; it is not a Zoning Map. The General Plan Map identifies possible future uses and the Zoning Map reflects currently permitted land use. The City last enacted a general plan in 2015. In 2017, the footprint of West Davis Corridor [WDC] and its interchanges were published. The WDC announcement - along with a new directive from the State Legislature to address affordable housing in a plan before 2020 - were catalysts for the rewrite.

In December 2018, the Mayor assembled a taskforce - Syracuse 2050 - to gain public input. Fifty residents were invited to participate (24 women and 26 men); residents who responded to a request made in *Syracuse Connection Magazine*, and six students from both high schools serving Syracuse. Participants were sought who home-school children, and those whose kids attend charter or public schools; those of multiple faiths; life-long residents and newcomers. Added to the 50 residents were other stakeholders in our community: two county residents, four large landowners, five Syracuse business representatives and, Director of the local Chamber. IHC and Tanner Clinic were invited to represent the health sector. A representative of Antelope State Park and two representatives from the Davis County School District were invited. The meetings were announced and open to the public. Anyone attending without invitation was seated and granted voice.

Three members of the 2018-19 Planning Commission were invited to fully participate. The entire City Council was invited to attend but were asked not to participate in open discussion or opinion sampling. The City's Planning staff was charged with preparing six presentations on transportation, land use, economic development, housing, open space preservation and an evening where groups developed mock plan maps. These presentations occurred January through March of 2019. The meetings were public, announced and recorded; minutes were kept.

A written exit poll revealed that the staff had been fair in its presentation of materials and the gathering of data. Staff presented the data gathered to the entire Planning Commission and began in earnest the process of drafting the text and map for the new plan in April 2019. The draft was recommended by the Planning Commission and presented to the City Council in July 2019. After a summer of dialog in public meetings the 2019 version of the General Plan was adopted by the Council on September 10.

The committee that drafted the old 2015 General Plan consisted of 6 members; 1 woman and 5 men, all long-term residents. The draft presented to the Planning Commission by this team was developed outside of public meetings. A referendum would revert the City back to the 2015 plan.

The City must address the WDC and affordable housing to be compliant with Utah State Law. This General Plan addresses these issues, included many vested citizens, and is a good guide for the future of Syracuse. Read the full General Plan at:

<https://www.syracuseut.gov/DocumentCenter/View/143/General-Plan--Map-PDF> and view the results of the Syracuse 2050 task force at <https://syracuseut.gov/AgendaCenter/ViewFile/Agenda/03262019-70> (pp. 83-301).



Mayor
Mike Gailey

City Council
Lisa Bingham
Corinne Bolduc
Dave Maughan
Doug Peterson
Jordan Savage

City Manager
Brody Bovero

ESTIMATE OF FISCAL AND LEGAL IMPACT
OF REPEALING ORDINANCE 19-15
WHICH ADOPTED THE VISION 2050
GENERAL PLAN AND GENERAL PLAN MAP

TO: Cassie Brown, Syracuse City Recorder
FROM: Stephen Marshall, Syracuse City Administrative Services Director
Paul Roberts, Syracuse City Attorney
DATE: October 2, 2019
RE: Fiscal and Legal Impact of Referendum Petition re: Ordinance 19-15

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

The General Plan is a guiding document with no binding legal effect. It does not directly impact vested property rights.

However, repeal of the adopted general plan would result in the City violating Utah law as of December 1, 2019, which law requires cities to add a moderate housing growth plan to their general plans before that date.

The Administrative Services Director estimates that repealing the law this referendum proposes to repeal would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt.

Fiscal Impact Analysis

When a referendum petition is submitted to the City, state law requires the budget officer, together with legal counsel, 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;
5. A dollar amount representing the estimated costs or savings, if any, to state and local government entities if the law were repealed;

Excluding the costs of administrative time to prepare documents for the referendum and the potential election costs, the Administrative Services Director estimates that repealing the law this referendum proposes to repeal would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt.

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
4. Any other significant legal impact as determined by the budget officer and the legal counsel.

I will address each of these issues in turn.

Effect on vested property rights

Under Utah law, general plans are advisory guides for land use decisions; they suggest possible land uses. The plan also serves as a reference for land use planning and development. A general plan map designation is not a vested property right, so the repeal of the general plan map would not affect any vested property rights.

Effects on other laws or ordinances

As mentioned above, the general plan does not bind the City or define approved land uses for the properties. A use's appearance on a general plan map does not guarantee or vest a property owner with zoning that will match that use. Under state law, it is "an advisory guide for land use decisions, the impact of which shall be determined by ordinance." Utah Code Ann. § 10-9a-405. Under current city code, the Council may only change zoning if the proposed zoning designation matches a use on the general plan map for that property, although they are not required to change the zoning. The general plan map subject to referendum was more expansive in allowing uses than prior maps, so the repeal of that map would result in more limited options for property owners seeking a zone change. Alternatively, they would be required to first apply for a general plan map change, followed by a re-zone request. Both the general plan map amendment and

rezone request are legislative decisions made by the City Council, acting as land use authority for those applications.

Legal liability the city, county or town may incur

Senate Bill 35 of the 2019 General Utah Legislative Session mandated that the City include specific moderate-income housing plan elements. Utah Code Ann. § 10-9a-403(2)(b). These must be implemented in the City's general plan before December 1, 2019. *See* Utah Code § 10-9a-401(3)(b). The previous general plan did not include these elements. As such, repealing the general plan and reverting to the prior plan would cause the City to be in violation of Utah law as of December 1, 2019. A petition that has been declared sufficient, as provided in Utah Code Ann. § 20-a-7-607(2)(b), prevents the local law from taking effect until the law is approved by a vote of the people. Utah Code Ann. § 10-9a-601(5)(b).

The specific legal consequences of being in violation of this law are not precisely laid out in statute, but its violation could potentially lead to injunctive or other equitable relief being entered in the case of a civil action claiming a violation of the City's general plan obligations. *See* Utah Code Ann. § 10-9a-408(4).

Other significant legal impacts

I am unaware of any other significant legal impacts related to the repeal of the ordinance adopting the general plan and general plan map.

Steven Marshall
Administrative Services Director
Syracuse City, Utah

Paul Roberts
City Attorney
Syracuse City, Utah