



KAYSVILLE CITY

UTAH'S HOMETOWN EST 1850

PROPOSITION 5 VOTER INFORMATION PAMPHLET

ARGUMENTS FOR AND AGAINST
GENERAL ELECTION: NOVEMBER 5, 2019

Proposition 5 will be included on the Municipal General Election ballot and will ask for a yes (for) or no (against) vote.

Proposition 5:
Shall Ordinance 2017-09-01 adopted by the Kaysville City Council to rezone 1.51 acres of property located at approximately 1450 South Burton Lane from the R-1-20 (Single Family Residential) zoning district to the LI (Light Industrial) zoning district be upheld?

Following are arguments for and against the proposition. Arguments and rebuttals are opinions of the authors (sponsors). The proposition is available for public review at www.kaysvillecity.com. This Voter Information Pamphlet will be available to any Kaysville citizen at Kaysville City Hall, 23 East Center Street, 801-546-1235.

ARGUMENT **FOR** PROPOSITION 5

ARGUMENT FOR A "YES" VOTE TO UPHOLD REZONE

A "YES" vote on this referendum is a vote that respects the open and fair public legislative process that we have in Kaysville and is a vote that follows correct zoning principles. A "NO" vote is a vote that favors the vocal minority and is a vote that would give life to the tendency of some citizens to shortsightedly oppose any rezone no matter how much sense the rezone makes.

Specifically, this referendum asks whether you want to uphold the City's decision to rezone a vacant residential property to a light industrial property. The property is located directly on the Burton Lane overpass at the intersection of Deseret Drive and Burton Lane. The property has virtually no characteristics of a typical residential property: it sits across the street from storage sheds, rail lines, high-power transmission lines, an electrical substation, and I-15 to the east. And it's bordered by the rail trail to the west.

In 2016, the property's owner, Jim Puffer, purchased the property to use it as a storage yard for his landscape construction business. Due to the nature of his desired use, and after Mr. Puffer used the property for several months under the previous residential zone without any neighbor complaints, the City told Mr. Puffer that he needed to apply for a rezone. After multiple open and public meetings where the City and the public heard from both Mr. Puffer and the surrounding neighbors—and after compromising on how to best address the concerns related to the rezone—the City Council approved the rezone. Only two members of the Council voted against the rezone: Susan Lee and Dave Adams.

After the Council approved the rezone, some neighbors pursued this referendum, and some filed a lawsuit against Mr. Puffer and the previous owner who sold the property to Mr. Puffer. The neighbors' opposition was essentially that Mr. Puffer's use of the property is noisy, dusty, and creates a traffic safety hazard with trucks entering onto Burton Lane. To be sure, those concerns shouldn't be ignored, but they can be mitigated: the noise can be reduced, dust can be managed, and the truck traffic is minimal—maybe a handful of trips a day.

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ARGUMENT **AGAINST** PROPOSITION 5

ARGUMENTS AGAINST PROPOSITION NO. 5 (ORDINANCE NO. 2017-09-01)

Please help us protect our neighborhood, homes, and families. Stop industrial use in our residential neighborhood by VOTING AGAINST PROPOSITION 5.

Proposition 5 is an industrial spot zone into the Old Mill Village residential neighborhood next to six single-family homes. Peaceful residential neighborhoods have long been an iconic and integral part of Kaysville. Proposition 5, if passed, would rezone, to industrial, a single 1.51-acre residential parcel located at approximately 1450 South Burton Lane. The industrial uses allowed under Proposition 5 are simply incompatible with the adjacent family neighborhood that surrounds the parcel. VOTE AGAINST PROPOSITION 5.

Proposition 5 is an industrial spot zone to allow a noisy industrial business immediately next to family homes with no buffer at all. Dump trucks coming and going throughout the day, and heavy equipment moving large boulders and landscaping materials do not belong in any residential neighborhood. The noise, dust, and truck traffic significantly decrease the quality of life, home values, and the rights of the neighboring families to enjoy their homes. For example, noise from the parcel has disturbed families located blocks away from the parcel. The dust, dirt, and air pollution from the trucks, heavy equipment, and industrial uses forced us to spend countless hours obtaining signatures for the Referendum Petition to put the City Council's rezone to industrial on the ballot. These nuisances continued until they were suspended by our Referendum Petition. We need your VOTE AGAINST PROPOSITION 5 to prevent the industrial uses from being allowed again on the parcel.

Originally, the parcel was designated on the plat as open space. Six homes were built along its border. The parcel provides a much-needed buffer between single family homes and existing businesses on the opposite side of South Burton Lane. Under current residential zoning, the parcel has viable and compatible uses, including building a single-family home similar to those which surround the parcel. Rezoning is not needed to make the parcel valuable.

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You should vote YES on this referendum because the City Council's decision to rezone just made sense. The City followed its process of having a fair, open, and complete weighing of the competing interests. The location of this property is far more conducive to a light-industrial use than it is to a residential use. Its location at the edge of some homes across from the rail trail, its location on the Burton Lane overpass and its proximity to I-15, the rail lines, the storage sheds, the power substation, and the high-power transmission lines all weigh in favor of upholding the City's rezone to a light industrial use.

Vote "YES" on this referendum: it just makes sense.

REBUTTAL ARGUMENT **FOR** PROPOSITION 5

REBUTTAL ARGUMENT IN SUPPORT OF A "YES" VOTE ON PROPOSITION NO. 5

The arguments against Proposition 5 do not provide an accurate picture of this rezone.

First, the property is not surrounded by a neighborhood. Only one home directly abuts the property, while the vast majority of the property is bordered by industrial-zoned properties, two major roads, and the rail trail. This property is much more akin to a light-industrial property than a peaceful residential neighborhood because it is only a few hundred yards at most from I-15, storage sheds, commercial rail lines, high-voltage electrical lines, and an electrical substation.

Second, the alleged impacts of the rezone can be mitigated. The rail trail provides a natural buffer to the West. The property is fenced and the owner already planted numerous large evergreen trees along the slope of Deseret Drive and Burton Lane. The dust can be controlled and minimized. Any noise from equipment or moving boulders is going to be very infrequent, and will largely be drowned out by the noise from I-15. The traffic concern is exaggerated because even in peak times the number of trips to and from the property are minimal and will be a drop in the bucket onto Burton Lane.

Third, signatures on a referendum petition are notoriously unreliable. Those signatures are only as good as the story told to the person who's signing. But even if the story was accurately told, the person signing only hears one side of the issue. Don't read more into the signatures than is there.

Vote "YES" on Proposition 5.

Over 2,500 citizens of Kaysville signed our Referendum Petition recognizing the threat Ordinance No. 2017-09-01 poses to residential neighborhoods throughout Kaysville. These signatures placed this rezone on the ballot. The Kaysville City Council needs to know that Kaysville's residents oppose spot zoning industrial use in a residential neighborhood. Voting against Proposition 5 protects more than just the Old Mill Village and Sunset Equestrian Estates neighborhoods; it sends a clear message to the Kaysville City Council to not allow industrial spot zones in our neighborhoods. Please join the dozens of volunteers who gathered signatures, and thousands of residents of Kaysville who signed the Referendum Petition to place Ordinance No. 2017-09-01 on the ballot, by VOTING AGAINST PROPOSITION 5.

REBUTTAL ARGUMENT **AGAINST** PROPOSITION 5

ARGUMENT TO "VOTE AGAINST" PROPOSITION NO. 5 AN IMPROPER SPOT REZONE

A vote "Against" Proposition 5 supports Kaysville citizens' right to responsible zoning. Proponents ignore thousands of citizens who overwhelmingly support protecting existing residential property. Proposition 5 is an improper spot zoning of industrial use within a residential neighborhood. This is not responsible zoning.

When Mr. Puffer purchased the residentially zoned parcel surrounded by homes, the illegal industrial use began. Dump trucks and heavy equipment were coming and going, operating throughout the day, creating an extraordinary amount of noise, dust, and dangerous truck traffic. Neighboring homeowners appealed to the City multiple times to stop the blatant violations of the residential zone. The City finally reacted with a spot industrial rezone, rather than enforcing the existing residential zoning.

The referendum process is an open, fair, public process that is an important part of the legislative process allowing citizens to exercise their inherent legislative authority to correct bad decisions made by elected representatives. The rezone was narrowly approved in a 3 to 2 vote. Upon approval, the referendum was initiated with hundreds of citizen volunteers, and thousands petitioning against the rezone. A total of 2,823 citizens signed the petition to allow all citizens of Kaysville to vote against the rezone. Proponents incorrectly characterize us as a "vocal minority"; however, we are a vast group of concerned Kaysville citizens sending a mandate to the City that citizens of Kaysville want responsible zoning.

Permitting industrial use with the hazards it brings, in this area, does not make sense. Please VOTE "AGAINST" THIS IMPROPER SPOT REZONE.

PARTIAL SAMPLE BALLOT

Official SAMPLE Ballot for Davis County, Utah Municipal General Election Held on November 5, 2019		
<p>This ballot shows all possible races county-wide. Your ballot will only have races that you are eligible to vote.</p> <p>Bountiful City Council Bountiful City Vote for up to THREE</p> <p><input type="radio"/> MILLIE SEGURA BAHR Nonpartisan</p> <p><input type="radio"/> JESSE D. BELL Nonpartisan</p> <p><input type="radio"/> KATE BRADSHAW Nonpartisan</p> <p><input type="radio"/> NATALIE BLUNDELL HAYES Nonpartisan</p> <p><input type="radio"/> BRET HUTCHINGS Nonpartisan</p> <p><input type="radio"/> RICHARD HIGGINSON Nonpartisan</p> <p>Centerville City Council Centerville City Vote for up to THREE</p> <p><input type="radio"/> KAREN ARGYLE Nonpartisan</p> <p><input type="radio"/> CORY LYNN BLUEMEL Nonpartisan</p> <p><input type="radio"/> GEORGE MCEWAN Nonpartisan</p> <p><input type="radio"/> ROBYN THOMPSON MECHAM Nonpartisan</p> <p><input type="radio"/> PAUL ROBERTS Nonpartisan</p>	<p>Clinton City Council Clinton City Vote for up to THREE</p> <p><input type="radio"/> ANNA L. STANTON Nonpartisan</p> <p><input type="radio"/> T.J. MITCHELL Nonpartisan</p> <p><input type="radio"/> KAREN KAGIE Nonpartisan</p> <p><input type="radio"/> BARBARA JEAN PATTERSON Nonpartisan</p> <p><input type="radio"/> ANTHONY "TONY" O. THOMPSON Nonpartisan</p> <p>Farmington City Council Farmington City 2 Year Term Vote for ONE</p> <p><input type="radio"/> SHAWN J. BEUS Nonpartisan</p> <p><input type="radio"/> CORY R. RITZ Nonpartisan</p> <p>Farmington City Council Farmington City 4 Year Term Vote for up to THREE</p> <p><input type="radio"/> BRETT ANDERSON Nonpartisan</p> <p><input type="radio"/> AMY SHUMWAY Nonpartisan</p> <p><input type="radio"/> ALEX B. LEEMAN Nonpartisan</p>	<p>Kaysville City Council Kaysville City 4 Year Term Vote for up to THREE</p> <p><input type="radio"/> JOHN SWAN ADAMS Nonpartisan</p> <p><input type="radio"/> MIKE BLACKHAM Nonpartisan</p> <p><input type="radio"/> TIM ALLEN HODGES Nonpartisan</p> <p><input type="radio"/> STROH L. DECAIRE Nonpartisan</p> <p><input type="radio"/> BRETT TARBOX Nonpartisan</p> <p><input type="radio"/> TAMARA (TAMI) TRAN Nonpartisan</p> <p>Proposition 5</p> <p>Shall Ordinance 2017-09-01 adopted by the Kaysville City Council to rezone 1.51 acres of property located at approximately 1450 South Burton Lane from the R-1-20 (Single Family Residential) zoning district to the LI (Light Industrial) zoning district be upheld?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>

SPONSOR CONTACT INFORMATION

Contact information for the sponsor submitting the arguments FOR Proposition 5 follows:		
<p>Josh Sundloff 32 South 300 West Kaysville, UT 84037</p>		
Contact information for the sponsors submitting the arguments AGAINST Proposition 5 follows:		
<p>Robert D. Lamoreaux 310 West Burton Lane Kaysville, Utah 84037</p>	<p>D. Reed Nelson 372 West Burton Lane Kaysville, Utah 84037</p>	<p>Nancy M. Villamizar 94 West Burton Lane Kaysville, Utah 84037</p>
<p>Melissa McIntyre 1462 Appaloosa Ave. Kaysville, Utah 84037</p>	<p>Daniel L. Ames 352 Paddock Lane Kaysville, Utah 84037</p>	