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Sandy's version of ballot question

Gravel pit development: Opponents say the city's version doesn't give them a fair shot and is confusing

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They issue orders. They pen opinions. They write dissents. Now, Utah's Supreme Court justices are being asked to craft a ballot question.

The reason: Sandy activists don't like the wording the city proposed for November's vote on development plans for a 107-acre gravel pit. The language, they insist, is confusing and slanted toward the project.

So on Wednesday, Save Our Communities - the grass-roots group striving to block the big-box development - asked the justices to become the ballot wordsmiths.

"The Sandy City Ballot Title does not explain or even suggest that, if approved, Sandy Ordinance 04-45 will permit a number of previously prohibited uses at the gravel pit, resulting in the development of a massive retail center," the group's court filing says.

The filing isn't a surprise. Members of Save Our Communities have complained about the ballot wording from the day it was completed by Sandy City Attorney Walter Miller. And they still don't believe Sandy is giving them a fair shot at the polls.

"It's a threat to the referendum process," said Robyn Bagley, a member of the group. "The voters don't know what they are voting for."

Miller maintains he tried to satisfy the residents and other groups with the wording.

"We contacted the key parties on all sides of the dispute before we wrote the language," he said. "But we could not reach a consensus."

Residents counter that Miller listened to their attorney's suggestions but made only one change - a minor modification, they argue, that does nothing to clear up the confusion.

The gravel pit's future has been a heated topic in Sandy for 18 months. The dispute began in the spring of 2004, when The Boyer Co. asked the city to change the zoning at 9400 South and 1000 East.

The City Council complied - in a 5-2 vote - and authorized a development that includes a Super Wal-Mart, a Lowe's Home Improvement Warehouse, a smattering of smaller shops and restaurants and more than 300 housing units.

Residents responded with a petition drive that collected 6,425 signatures. Earlier this year, they took their case to the Utah Supreme Court arguing the total was enough to force a citywide vote. The court agreed but is now considering a Boyer request to rehear the case.

Tribune reporter Christopher Smart contributed to this story.

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