

Gary and Marilyn Feldman
9200 West 11620 North • Bothwell, Ut 84337
mailing address: 425 West Main St. • Tremonton, Ut 84337
e-mail • feldman.store@gmail.com

Home • 854-3737
Work • 257-5152
FAX • 257-0329

November 25, 2014

To the Box Elder County Planning and Zoning Commissioners
Chairman Chad Munns, (please distribute)

We attended the November 22 public hearing on the suggested changes to the Bothwell pocket zoning and appreciated your patient listening to the concerns expressed. As having served on the School Board, I know the pressure and challenges of sitting behind the desk and appreciate the orderly and calmness that you maintained. Bothwell is a wonderful, beautiful, peaceful part of Box Elder County whose motto for decades has been "*Where Friendship is Cultivated.*" I personally know of no hard feelings between any residences of Bothwell. Very briefly some comments and concerns.:

1. Having built out home in Bothwell in 1998, we were not involved in the early community zoning committees that we heard about at your meeting. It seemed that all who spoke that were on those committees strongly mentioned the many, many changes that now show up in the zone size and especially the completely different wording from what they clearly remember. How can this happen? I know that it is only text changes, but we now know is very easy you can make changes, because it is only text. I am sure many meetings were originally needed to work out some of that wording, and it has been changed with a stroke of the pen without any knowledge of the affected community. I am sure if the community was involved in the discussions of the proposed changes, an agreeable solution would surely have happened. Bothwell residents are generally as good as you can find with good working relations with the county and surrounding cities. We almost annually loan our nine large picnic tables to the Fair, and we borrow their portable fencing for our July 24 kids rodeo. We are good citizens in every way, and want the same open, warm feelings with the County Planning and Zoning committee.
2. We are surely open to minor zoning changes as long as we are part of the discussions from the beginning. I understand the expense and workload to notify everyone by mail for every Bothwell zoning consideration, but I talking to the the Howell town clerk, Leon Kotter, he receives agendas and minutes from the county at very little effort or cost. One or several emails would be made available and these residents would certainly make sure all of our neighbors were aware. Or just a one column by 1 inches notice with a thick black box around it would be easy to notice, and the word would spread. Approximate size example below costing maybe \$10.

Thank you for the thankless position you accepted and for the open-minded way the meeting was conducted. The good people of Bothwell fully support discussion of needed zoning changes, just want to be involved from the very beginning. Thank you again.

Sincerely,

Mary G. Feldman
Marilyn R. Feldman

Gary and Marilyn Feldman

**Bothwell Zoning
DISCUSSION**
7:00 pm • December 18,
BE Courthouse
(see county web-site)

Box Elder County Planning & Zoning Office
Room 34
Box Elder County Court House
01 South Main Street
Brigham City, Utah 84302

Reference: Proposed change of RR-5 modified to RR-5

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Second, I adamantly express my opposition to the proposed change. I desire that you consider the following factors underlying my opposition.

a. Approximately 36 years ago after considerable debate within the Bothwell community a five acre zoning was put into effect. This was done to reflect the community desire to preserve the rural nature of the community. This decision had a direct economic impact upon some land owners who may have desired to develop their land. Some were impacted in other ways. Compromise and sacrifice resulted in the current RR-5 modified zoning in the community. The result has been adopted and vigorously defended by the community as a whole since that date.

b. At the conclusion of a series of meetings several years ago between Bothwell community citizens and officers of Box Elder County, the County Commissioners agreed to classify the area north of the Bothwell Community as limiting lot size in the zone to a minimum of five acres. It was universally assumed by the community as being the same zoning as was in effect in the Bothwell section. It came as a surprise to me and everyone that I have talked to, that it was a substantially different animal.

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g. The most egregious activity which would become permitted in the current RR-5 modified would be the "Two-Family Dwelling" activity. Note that this activity does not require a "Conditional Use Permit". After vigorously defending the one dwelling on a five acre lot concept for 36 years, this permitted activity would have a devastating effect on the desired rural nature of the community. It has the potential of dramatically increasing the housing density of the community.

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W. Blair Summers

11785 N 10800 W

Tremonton, UT 84337

W. Blair Summers

11-24-19

Box Elder County Planning & Zoning Office
Room 34
Box Elder County Court House
01 South Main Street
Brigham City, Utah 84302

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Linda H. Summers

11785 N 10800 W

Tremonton, UT 84337

Linda H. Summers 11-24-14

Box Elder County Planning & Zoning Office
Room 34
Box Elder County Court House
01 South Main Street
Brigham City, Utah 84302

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Bart L. Summers

13435 N 10000 W

Tremonton, UT 84337



Box Elder County Planning & Zoning Office
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Box Elder County Court House
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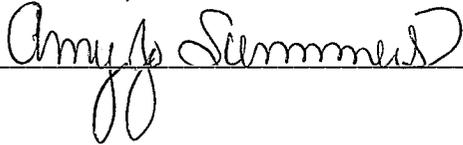
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Amy Jo Summers

13435 N 10000 W

Tremonton, UT 84337

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Thank You:

John D. Sagers
Brenda N. Sagers

John and Brenda Sagers
11516 North 9200 West
Tremonton, Utah 84337

Box Elder County Planning & Zoning Office
Room 34
Box Elder County Court House
01 South Main Street
Brigham City, Utah 84302

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b. At the conclusion of a series of meetings approximately 10 years ago between Bothwell community citizens and officers of Box Elder County, the County Commissioners agreed to classify the area north of the Bothwell Community as limiting lot size in the zone to a minimum of five acres.

c. In the notice of a public hearing provided to some...(WHY not all??) landowners in Bothwell. It was proposed that Bothwell's RR-5 modified zone be changed to RR-5. In the letter it was represented that the changes would be "minor". But In fact the proposed change would be sweeping and would have a major impact on the community. Characterizing the proposed change as "minor" was a gross misrepresentation of the change.

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g. We would prefer more clarity be given in the subject of Two Family Dwelling activity. We are opposed to 2 separate permanent dwellings being built on the same 5 acre minimum lot, but see no harm in homeowners who have a basement or additional space in their dwelling they would like to rent out to assist their income or who have family members who need to reside with them temporarily . We also feel those who have aging parents and request temporary mobile homes to be added to their property so that they can care for them should be allowed with the stipulation that they be removed upon the death of the last resident parent.

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Thank You:

Chris W and Arlene Thurgood
11041 W 12800 N
Bothwell, Ut 84337



11100 West 11200 North
Tremonton, Utah 84337

Box Elder County Zoning Commission
Brigham City Courthouse
01 Main Street
Brigham City, UT 84302

Dear Commissioners:

I live in Bothwell because of RR-5 Zoning. We love living in an agricultural community. My children like to raise animals to exhibit in the fair. No one complains about the sounds and smells because most of us do the same. My son enjoys hunting and shooting the birds that become a nuisance in the barn. We love living in the country and RR-5 zoning insures that we do. There are many places in Box Elder County that want commercial businesses. Please give them what they are looking for and leave us alone.

I was surprised to learn all of Bothwell is not zoned the same. It should be. I have never worried about frogs, forestry, etc. in Bothwell, but almost everyone has horses. Can't believe they are outlawed and that needs to be fixed. Horse related businesses should be allowed the same as any other agricultural animal.

We already have one cell tower on the North Hill of Bothwell. I don't believe anyone has ever had a problem with it. Don't blame today's confusion on zoning. I believe no one would object to a call tower. What I object to is everyone wanting to fix something that doesn't need to be fixed. Leave Bothwell alone. We have worked hard to keep it an agricultural community.

Thank you for your work, but please allow us to remain RR-5.

Thanks,



Janiece Newman and four children who are so grateful to be raised on a farm.

9565 Point Lookout Dr
Bothwell, UT 84337
November 30, 2014

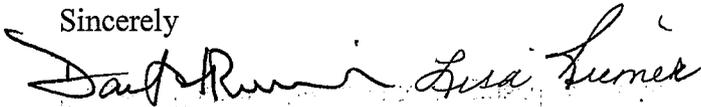
Subject: Formal objection to proposed rezoning

This letter is our formal objection to the proposed rezoning impacting our property at 9565 Point Lookout Dr, Bothwell UT from RR-5 Modified to RR-5.

We purchased the subject property due to its current RR-5 Modified zoning as this ensured that we would not have the potential of transmission towers, correctional institutions, public or quasi-public facilities in our neighborhood.

In addition, we object to the commission's approval of the cell tower in our area without the proper notification of those impacted by the approval and request the commission's reconsideration given the clear public disapproval expressed at the public hearing.

Sincerely

A handwritten signature in cursive script, appearing to read "David Riemer Lisa Riemer".

David and Lisa Riemer

1 December 2014

To the Box Elder County Commission planning and zoning office,

Reference-Proposed change of RR-5modified to RR-5

As owners of property located at 11795 N 9200 W Bothwell, we adamantly object to the inclusion of our property into the RR-5 zone. As we look down the list of possible changes there are too many we feel uncomfortable with. Although it is implied the changes are minor, these changes would have a significant outcome in the community. The future of these changes could easily impact the community in a negative manner. The possibility of two family dwellings and correctional institutions are especially unwanted! We would like to see the rural nature of the community preserved.

We also object to the proposed change to only allow 2 animals per ½ acre. Part of the reason we love Bothwell is because of the wide open space and ability to have the animals we enjoy.

We hope you will truly listen to the people of your community. Thanks for your time and concern in this matter.

Sincerely,

Sam & Jennifer Hansen

Handwritten signatures of Sam and Jennifer Hansen. The signature for Jennifer is written in a cursive style and is the most prominent.

11495 North 10800 West, Tremonton, Utah 84337
21 November 2014

Box Elder County Planning Commissioners, Box Elder County Historic Courthouse
01 South Main Street, Brigham City, Utah 84302

Attention: Laurie Munns, Jay Christensen, Desiree Larsen, Chad Munns, Kevin McGaha, and Bonnie Robinson, one absentee

Dear Planning Commissioners:

Bothwell is a progressive rural community. No one objected to a cell tower constructed on top of a hill in a field of rocks until we learned of a change in text. This, I believe, is what we object to.

Where is all this original text? I was on the committee in 2005, and I testify that most of the items listed on the handout were NEVER even mentioned, let alone discussed. No distinction was ever made between RR-5 and RR-5 modified nearly ten years ago. We discussed Bothwell in the context of one area, not a split with separate requirements. Someone made a BIG change of text!

The committee discussed boundaries, flood control, drainage, water issues, infrastructure, commercial services, and so on. We canvassed neighborhoods—no one wanted even a small country store for candy, pop, and gasoline. Not a word was said about temporary buildings, frogs, apiary and aviary, forestry, public stables, and most other items listed in the handout. Someone made a BIG change of text!

Since 2005, no one has objected to tens of thousands of dollars spent on a recreational park (developed through community fundraisers and private donations—no federal money). No one has objected to livestock, which has included llamas, reindeer, peacocks, and ostriches. No one has objected to the new road in the Stevenson subdivision. No one has objected to several private, home schools that exist in Bothwell. No one has objected to the privately owned (thus, managed) riding rings and related facilities where many gather to practice rodeo skills. This is the kind of community Bothwell citizens want. According to RR-5 modified, not allowed. Someone made a BIG change of text!

Many citizens at last night's meeting were newcomers who moved to Bothwell because they, too, sought an agricultural community. When they found what they were looking for, they were willing to pay the price. They bought five acres. If, indeed, the Planning and Zoning Commission believes the handout indicates what the Bothwell planning committee (representing all citizens of Bothwell) agreed upon in 2005 (with the county planner), more "changes in text" must be made. Please consider the attached recommendations. Thanks for taking your time to serve us.

Sincerely,



Tamera Newman
435.854.3854 (home) or 435.230.3330 (cell)

Recommended Changes of Text RR-5 Zoning, Bothwell Utah

- All of Bothwell must be zoned the same.
- Conditional use permits are not necessary. RR-5 clearly says it all.
- Recreational facilities should be at the discretion of Bothwell citizens. If no federal money is spent and the activity/facility is legal, government oversight is not necessary.
- Multiple family dwellings should not be allowed--RR-5 zoning.
- Horses and related activities are part of an agricultural setting. Horses were used to clear the sagebrush when Bothwell's first settlers arrived. They have always been part of our agricultural landscape.
- Get rid of the "legal-ese." No one will ever recognize legal descriptions of land and ordinances listed by numbers in the paper. Simply by notifying the public, "Zoning in Bothwell" is on the agenda, many communication problems would be solved. I read the paper extensively, including legal notices. If I don't connect to a familiar place, person, or issue, I don't read on.
- Of course we want utility rights of way, access roads, cell towers, etc. Through cooperation, planning, and communication, Bothwell has done what few rural communities have been able to do: it has moved into the twenty-first century while preserving its agricultural atmosphere. Please don't take that away. If it isn't broken, don't fix it.

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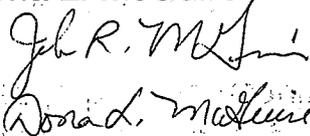
We, John and Dona McGuire, of Bothwell, Utah, would like to endorse what John Sagers of Bothwell has said in the attached letter. We are glad to have our voices heard in these matters. Thank you for listening and reconsidering your actions.

In regards to another issue that was discussed in the meeting of November 20, 2014, we wish to express our opinions and desires. The matter concerns the animal restrictions based on lot size. To impose the same restrictions on the residents of Bothwell who live on much more land than those of Willard, would be nonsensical. We live here precisely to own animals. We have plenty of room for our animals and then some. To put restrictions such as those that were discussed in the meeting would render our property nearly useless for our purposes of breeding show goats. We couldn't keep enough animals to prove our breeding success. No do we wish to have to acquire any permits to carry on.

In light of what is transpiring at the national level in our own country, it is important to realize that powers need to be distributed among as many entities as possible in order to check tyranny. Let us, the people, have the freedom to do what is right, what we ought. The people are the very most important entity where power ought to reside. We would urge you to consider deregulating several of the items in the zoning debate to allow the people to have more control over their own lives, not less.

Sincerely,

John R. McGuire
Dona L. McGuire



12266 N. 10000 W.
Bothwell, UT 84337

Box Elder County Planning & Zoning Office
Room 34
Box Elder County Court House
01 South Main Street
Brigham City, Utah 84302

Reference: Proposed change of RR-5 modified to RR-5

First, I would like to thank the board for the opportunity to participate in the public hearing relating to the referenced change. I felt that each person who took the opportunity to voice their position was treated with respect regardless of their ability to express themselves. You demonstrated composure and patience during what became a protracted hearing. Second, I adamantly express my opposition to the proposed change. I desire that you consider the following factors underlying my opposition.

- a. Approximately 36 years ago after considerable debate within the Bothwell community a five acre zoning was put into effect. This was done to reflect the community desire to preserve the rural nature of the community. This decision had a direct economic impact upon some land owners who may have desired to develop their land. Some were impacted in other ways. Compromise and sacrifice resulted in the current RR-5 modified zoning in the community. The result has been adopted and vigorously defended by the community as a whole since that date.
- b. At the conclusion of a series of meetings several years ago between Bothwell community citizens and officers of Box Elder County, the County Commissioners agreed to classify the area north of the Bothwell Community as limiting lot size in the zone to a minimum of five acres. It was universally assumed by the community as being the same zoning as was in effect in the Bothwell section. It came as a surprise to me and everyone that I have talked to, that it was a substantially different animal.
- c. In the notice of a public hearing provided to landowners in Bothwell. It was proposed that Bothwell's RR-5 modified zone be changed to RR-5. In the letter it was represented that the changes would be "minor". In conversations with a member of the County Commission it was also

represented as being "minor" in nature. In fact the proposed change would be sweeping and would have a major impact on the community. Characterizing the proposed change as "minor" was a gross misrepresentation of the change.

d. Of the nine activities relating to the zoning in the RR-5 zone, five are currently "Not Allowed" in RR-5 modified. Allowing these activities in Bothwell would be a significant change.

e. Of the nine activities relating to the zoning in the RR-5 zone, four are currently "Allowed". They are allowed without requiring a "Conditional Use Permit". Under the proposed change these activities would be constrained by the requirement to obtain a "Conditional Use Permit" from Box Elder County. For example if a landowner wanted to have beehives as some now do, they would have to apply to the County for a "Conditional Use Permit" before they could engage in the activity. Would this require a public hearing? Would it require the employment of man hours and resources to survey the proposed site and activity?

f. Under the proposed change seven of the activities permitted would require a "Conditional Use Permit". Currently no activity in the RR-5 modified zone requires a "Conditional Use Permit". For 36 years the community has got along without the protections provided by "Conditional Use Permits". This is an unnecessary and unwelcome intrusion of Box Elder County Government into the affairs of Bothwell community citizens.

g. The most egregious activity which would become permitted in the current RR-5 modified would be the "Two-Family Dwelling" activity. Note that this activity does not require a "Conditional Use Permit". After vigorously defending the one dwelling on a five acre lot concept for 36 years, this permitted activity would have a devastating effect on the desired rural nature of the community. It has the potential of dramatically increasing the housing density of the community.

In summary the RR-5 modified zone is working just fine. It is not broken and does not need fixing. The change represents a most unwelcome intrusion of Box Elder County Government into an area where it is not needed and most certainly not wanted.

25 November 2014

Planning and Zoning Office

01 South Main Street

Brigham City, Utah 84302

Attention: Planning and Zoning Committee

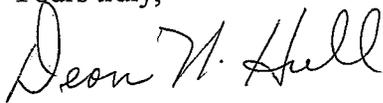
In regard to the hearing held on the 20th of November 2014, I am opposed to all the changes you are trying to make in our area. We live in a farming community not an urban area.

We have been able to govern ourselves for the past 36 years. We do not need the government to take over for us. We do not need conditional use permits or anything else you can think of.

We use our farms to make a living, we need to raise animals, birds and raise crops to be able to take of our families.

We live in a beautiful area and want to keep it just as it is.

Yours truly,



Deon N. Hull

9730 West 11600 North

Tremonton, Utah 84337

Marcus A. Wager

From: Kimberly Detwiler <dkksswkdetwiler@gmail.com>
Sent: Sunday, November 30, 2014 10:44 PM
To: Marcus A. Wager; Kimberly Detwiler
Subject: rezoning in Bothwell

Dear Mr. Wager,

I would like to register a complaint with you. From what I understand at the public hearing it really sounds like someone didn't say NO when they should have.

If "someone" wanted to put a cell tower up in the Bothwell area and THERE WAS ALREADY A CODE that didn't allow a ROAD to be built to accommodate the request then YOU should have said, "I'm sorry. You are NOT allowed to do this!"

But now you people just want to cover up your mistake and say, "Oh, golly, we can't have this. We can't have an area with it's own code. Let's make it like everywhere else."

Guess what - my husband and I picked to build in this area because we liked their code. We agree with their code. Really! Why do we have to change to make it "easier" and "uniform" with everywhere else.

I believe this is wrong. I do not agree with the CODE you want to impose on our area when we already know what we live, and we already have one.

Please do not allow this "blanket" coverage - all because the "someone" wants a road.

And also please forward this to Mr. Magaha. His wife and children can drive on our roads and they will never be out of cell range. I would not want him to worry unnecessarily because he's never driven out here - but I do. My husband and I have never been out of cell range.

Thanks for reading,

Kim Detwiler
resident of Bothwell