



## **NEW BUSINESS**

### **TWIN FALLS PHASE II SUBDIVISION, APPLICATION SS04-008, LOCATED AT OR ABOUT 7700 SOUGH 1100 WEST IN THE SOUTH WILLARD AREA.**

Mr. Garth Day explained to the Commissioners that this is Phase II of the Twin Falls Subdivision in South Willard and contains eleven lots (numbers 12-22). The property is currently zoned R-1-20. The petition generally appears to be in accordance with the existing subdivision ordinances and Zoning Requirement and the petitioner has received approvals from the South Willard Water Company, the Bear River Health Department, and the various utility providers. The South Willard Flood Control has also reviewed the subdivision and there are a few issues to be taken care of before the final approval and recording of the subdivision. Other findings that were noted included:

- The property is located within the vicinity of an agricultural protection area, and will be indicated on the final plat map.
- All lot lines must be radial to the street unless otherwise approved by the Planning Commission.
- A (possible) permanent turn-around is required at the west end of the development.
- A fence should be required along the west side of the development.
- A detention basin is located on lot 22 and it was recommended that the portion where the detention basin would be located should be a separate parcel and not included in lot 22, but dedicated to Willard Flood Control District. Also a fence should be put around the area of the detention basin.

After the Commissioners discussed the above-mentioned findings the following Motion was made.

**MOTION:** A Motion was made by **Commissioner Theron Eberhard** to grant preliminary approval for the Phase II Twin Falls Subdivision with the following stipulations that the developer show updated drawings regarding; 1) the turn-around on the west end of the subdivision; 2) the detention basin; and 3) approval from the Box Elder/Willard City Flood Control District. The Motion was seconded by **Commissioner Richard Day** and passed unanimously.

## **UNFINISHED BUSINESS**

### **ELITE HOMES, LLC CHERRY WOOD ESTATES, THIRTY LOT SUBDIVISION, APPLICATION #SS04-007, LOCATED AT OR ABOUT 8070 SOUTH HWY 89 IN THE SOUTH WILLARD AREA.**

Conceptual approval for this subdivision was granted at the March 18, 2004 meeting, but the petitioner has not provided any further required information regarding this subdivision, therefore Mr. Garth Day recommended that the Planning Commission table this issue at this time.

**MOTION:** A Motion was made by **Commissioner Jon Thompson** to Table the Cherry Wood Estates Subdivision at this time. The Motion was seconded by **Commissioner Clark Davis** and passed unanimously.

**PUBLIC HEARING IN WEST CORINNE Continued from March 25, 2004**

**Citizens present at hearing**

Whitney Young	830 N 6800 W; Corinne	Branson Neff	
Roger & Ginger Burt	7255 W 3200 N; Corinne	Larry Lee Jensen	2255 N 3860 W; Corinne
Diana & Ken Davis	3398 N 6000 W; Corinne	Neil & Diane Harper	6410 W 2400 N; Corinne
Con Roper	3875 N 6000 W; Corinne	Dawn Reeder	1658 N 6400 W; Corinne
Johnny Hull	450 W 7615 S; Willard	John Ferry	845 N 6800 W; Corinne
Amy Hugie/Box Elder County Attorney		Newell & Linda Norman	8400 W 3255 N; Corinne
Roland L. Holman	180 N 900 E; Brigham	Sid Norman	2785 N 6800 W; Corinne
DeeAnn & Van Ogle	6610 W HWY 83; Corinne	Bruce Hubbard	885 N 6000 W; Corinne
Maurice & Alaine Carter	2584 N 7600 W; Corinne	Donna Hubbard	1995 N 6800 W; Corinne
Sandra Neff	2625 N 7600 W; Corinne		

The continuation of the Public Hearing for the West Corinne Community Plan began at 7:22 p.m. and **Chairman Richard Kimber** turned the time over to Mr. Garth Day to begin those proceedings. At that time Mr. Garth Day reviewed the three maps of the West Corinne area that were on display, during which time several of the members of the audience asked questions. Staff also went over the RR zones; **RR-20 (or 20,000 square feet [approximately 1/2 acre]), RR-1, RR-2, and RR-5** which are rural residential zones. These zones are in place because it is in an area that is rural, but there will also be some housing development in the area. The use requirements are essentially the same in all of the RR zones, except for the size of the lot. All of the RR zones allow for animals. Mr. Garth Day mentioned a letter to the Editor that appeared in the Box Elder News Journal (attached), which was misleading regarding animal rights. The exact number of animals is determined by the size of the lot, i.e. two large animals are allowed on 1/2 acre; four medium size animals, twenty fowl. It was emphasized that the RR-zones **DOES NOT** eliminate animals. Some of the citizens made comments concerning the roads in the area, the Wal-Mart Distribution Center, the Agri-Business Park, and the increased traffic. Mr. Garth Day stated that since there were no restrictions in the area when the Wal-Mart Distribution Center came, the public had little they could do to stop the developer from doing what they wanted with their property. After some dialogue between the staff and the citizens, **Commissioner Clark Davis** stated that the format of this public hearing needed to follow that of the meeting on March 25, 2004. The citizens needed to state their name and then make their comment so that it can become a part of the permanent record. Also time will be given for the Staff to address each question or comment.

⇒ **Larry Lee Jensen** asked 1) who was responsible for the water – bringing it in and developing it? Staff responded by stating that the County is not in the water business and it does not have a water department, but relies on private water companies and in some areas the Bear River Water Conservancy District. In this area it would probably be the West Corinne Water Company. When a person wants to subdivide, it is required that proof of water availability be provided. **Commissioner Clark Davis** mentioned the approval

of the eleven lot subdivision in the South Willard area earlier in the meeting and that proof of water was necessary for that approval by the Planning Commission. 2) What is the possibility of sewer development in the area, as it appears that this zoning is proposing a town the size of Brigham City. Staff stated that the feasibility of sewer has yet to be addressed. Twenty thousand square feet allows for a septic tank, that is why lots cannot be less than that size. If this area were annexed by Corinne City then it (Corinne City) would provide those services. **Commissioner Clark Davis** told the citizens that it is the individual land owner that petitions for annexation, not a town or city going out and gobbling up additional land. 3) What about fire protection – is it going to be pushed onto Corinne City. That is one of the biggest concerns now and would probably be the first addressed.

⇒ **Roland Holman** did not feel that a community was being planned for the area but that the Commission was trying to plan for the growth in the area. Zone allows for what growth might come. There will not be five thousand people in the area in the near future.

⇒ **Donna Hubbard** stated that about twenty-five to thirty years ago she and her husband were involved in a similar situation where some zoning was being purposed and since the residents could not get along and agree the issue was dropped. Because of this breakdown those years ago, she felt that is the reason the Wal-Mart Distribution Center is in the area now. Also, she did not think that there would be a lot of development or growth during her lifetime, but there is a need to protect for the future. Water will regulate a lot as to what can and cannot be developed in the area.

⇒ **Ken Davis** asked that some adjustments be made concerning how the land is zoned where his two farms are currently located. He would like to see them zoned as half- acre parcels. Mr. Garth Day reviewed the areas on the maps that Mr. Davis was referring to in his request.

⇒ **Bruce Hubbard** asked about the difficulty of rezoning an area that was located in the green area that indicated twenty acre zoning. Mr. Garth Day stated that small area, i.e. smaller than five acres are not viable for a re-zone as it is difficult to do legally; therefore it is easier to do larger areas. The plan could allow for conditional use regarding a half-acre area [within a A-20 acre] and the committee is in the process of working toward that end. Mr. Hubbard stated that although he is currently farming the land, he felt that development is where the value of the land lies. Thus he would like to have the opportunity to sell parcels of one-half acre for homes and if re-zoning will be difficult, he would like to see more of the land [that he owns] included in the half-acre area now.

⇒ **Branson Neff** spoke about the value of land in California and how the future value of the land is taken into consideration, therefore, what is done will impact what the farmer will be able to do in the future with the property. Mr. Neff stated that a real estate agent has told him, that his ground is worth more now [even though it is farm ground] just because Wal-Mart is located in that area. He also thought that there is some of the land in the area that would be good for potential commercial development.

⇒ **Whitney Young** said that there is another side to this issue and that has to do with the emergency services that are currently available. Some of the issues he mentioned were the on-ramp to the freeway and the cemetery road.

⇒ **Ginger Burt** first apologized for anything that may have been misleading in her letter to the Editor in the April 14, 2004 edition of the *Box Elder News Journal* (“Attachment B”). She felt that even though animals would be allowed in the zoning areas, once more development comes in those rights would no longer be in favor of the animals. Ms. Burt read a prepared statement to the Commissioners. (A copy attached to these Minutes as “Attachment A”) Some of Ms. Burt’s complaints included:

- *Why is the process moving along so quickly?*
- *Has adequate notification been given to the citizens of the area, as many she spoke with did not know what was happening?*
- *She asked Mr. John Ferry if any meeting had been called for to receive input from the community members.* Mr. Ferry responded by stating that the original meeting which was held in May 2003, ended with a group being chosen to represent the community as we have a representative form of government. Mr. Garth Day responded by stating that the group, which was chosen for the committee was taken from a list of persons that indicated interest in serving on the committee. The County Commissioners and the Planning Commissioners made the selection of those persons. Mr. Ferry also stated again that **NO DECISION** would be made at the conclusion of this meeting and if more meetings are needed then they will be held.

⇒ **John Ferry** stated that the citizens need to realize that this is an open-ended process and the Committee has been trying to identify the forces that are already in place. Market opportunities vs. farming. The Committee has looked at where water, power, and roads are already in place and that has lent to deciding where certain zones are being placed. Again, Mr. Ferry stated that none of this is final at this time, but the Committee had to have a place to start the process.

⇒ **Garth Day** addressed the way in which the public hearing is notified. The law requires that a legal notice be placed in the local newspapers fourteen days prior to the public hearing where a re-zone is being considered. Also the landowners in the area were sent a card notifying them of the public hearing and Town Meeting that took place in May 2003. Doing these notifications cost the department money for the mailings. He also stated that no decision would be made tonight, in fact it may be a few more months before any final decision is made. *“The Committee and the Planning Commission have both made a commitment that there will be no decision tonight; with the changes that we have, and the Committee wants to meet a few more time, I don’t think a decision is coming any time soon. We have been at this for a long time. We have been at this for over a year – this is not something that we have rushed through. If it doesn’t happen tonight, if it doesn’t happen in a month, I don’t think that there is any pressure to make this happen. Eventually something has to happen, and I think that you want something to happen, sooner rather than later. The sooner that we get it in the more protections that you will ultimately have. Every day that area is not zoned is every day a salvage yard*

or a pig farm or one of the worse things in the world you can think of can come next to you. A Wal-Mart Distribution Center, so we have to get to the end of something. This is not some half-cocked idea by Pat (Comarell) and I to push this down everybody's throat. I get no benefits by anyway that this happens. This is your community and you plan it the way that you want it to be. I am not here to plan your community, I am just here to keep the legal requirements met and give you all the tools necessary, for the Committee and the [Planning] Commission and the community to get this done. Our goal is to get zoning throughout the County. Your comments (referring to Ginger Burt) were a little misleading, because we are not zoning the entire un-incorporated County (through this process). We are only proposing zoning inside this area (of West Corinne). There are some 5500 square miles more of the County that's un-zoned." Ms. Burt stated that she had been told that after tonight's meeting the Planning Commission could make a final decision. Mr. Day asked who had told her that and **Commissioner Theron Eberhard** stated that he had. **Commissioner Eberhard's** statement was "after tonight the County Planning Commission has met the legal requirements and could make a decision."

⇒ **Con Roper** read the postcard that had been sent to the citizens ("Attachment E") and when he received the card he threw it in the trash because he thought that it concerned Corinne City. He took it out of the trash because he learned in church that West Corinne was having a meeting and he should attend. He agreed with the comments that were made by Ginger Burt earlier. He also had some recommendations that he would present to the committee later after the meeting.

⇒ **Maurice Carter** asked for some clarification regarding the permitted use and conditional use and what was the difference. Mr. Garth Day responded by stating that if something is permitted within a zone you can just do it; you may have to obtain a building permit. For instance, a single-family dwelling is permitted. A conditional use is a use that may be allowed if certain conditions are met. The example of a kennel was used to illustrate. You would need to come to the Planning Commission for approval and some additional restrictions may be placed on that permit, such as fences to buffer from the other landowners.

⇒ **Larry Jensen** spoke about the zoning within the City of Corinne, and creating a parcel that is smaller than the original area. Mr. Garth Day responded by clarifying that a forty-acre parcel that is made into two twenty-acre parcels would need to go through the subdivision process. Within the pink area of the proposed zoning and planning maps a new parcel could not be created that was less than one half acre. The green area on the map would require twenty acres. Agricultural uses are exempt from subdivision regulations, so if an individual within the A-20 area were to split that twenty acres into two ten-acre parcels, the planning office would have no way of knowing that until an individual were to apply for a building permit, etc., and at that point the regulations would be imposed. But bonafide agricultural uses are exempt from the subdivision process.

⇒ **Diana Davis** stated that it is very apparent that everyone has different interests and that not everyone will be satisfied. She also asked about the Agri-

Business Park and why was the County involved in the purchase of this property. Mr. Garth Day responded by stating that *“part of our Department, and part of our duties are economic development. Part of the big planning scheme for the entire County is providing jobs and opportunities for people to stay here, live here and work here in the County. There was a need . . . we had a big user at the time who wanted a place . . . it was an agriculture user . . . it was strawboard, I don’t know if you have heard that concept. They were going to come and take the stubble up off the fields and there would be less burning and then they would put it to work building boards out of it. At that point the County thought it would be a good idea as it would help the agricultural community and add some value to what they do and we could provide some jobs. So they commissioned a study – this was ’98 or ’99 and a consultant went around the area and tried to identify the best area for an agricultural business park. The property, the old Muleshoe Ranch in Corinne was identified as the number one site. Reva Nelson owned that and it was the best site for a couple of reasons, there’s lots of transportation modes around it, there’s a rail spur and it’s pretty centrally located, and it was in an area that was mostly zoned by Corinne as industrial and the Wal-Mart Distribution Center had come in the area, so the County’s Redevelopment Agency approached – not the County – the RDA – the part of County government that is attached with actual development – approached Reva Nelson and she agreed to sell it. I can tell you there was no arm-twisting, we offered a fair price; we didn’t go in and take it from her. I think we offered a really good price and I think we were very fair about it and the concept won some favor from the federal government. Economic Development Administration of the Department of Commerce donated a million dollars in the form of a grant to help install the infra-structure because of the concept of value-added agriculture in the area; so that is how it came to be. There were several public hearings on that as well; we worked very closely with the Town of Corinne . . . the bottom line was, I think we made Corinne City happy, I think the County is spending an additional [probably] \$300,000.00 more than is required to provide some upgrades in infra-structure for Corinne City. . . . through that process, I think we developed a win-win for everybody, and yes we took a piece of property that’s valuable, it’s still providing value to agriculture . . . there’s some hay is being cut off of it still, but at the same time it is going out of production, because of its location, not because of what it was, just because of its location to transportation and rail and those kind of things.”*

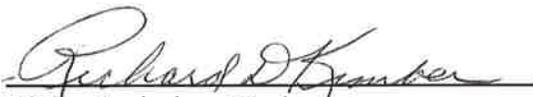
**MOTION:** A Motion was made by **Commissioner Ann Holmgren** to close the Planning Commission meeting but to continue the public hearing regarding the planning and zoning in West Corinne. The Motion was seconded by **Commissioner Clark Davis** and passed unanimously.

Mr. John Ferry suggested that the West Corinne Planning Committee hold a meeting on Wednesday April 28, 2004 at the Corinne Veteran’s Hall at 7:00 p.m. This will be an open meeting. The next meeting of the Planning Commission will be on May 20, 2004 at 7:00 p.m. and the Committee can

report back to them at that time. Handouts will be available for review, i.e. maps, zoning regulations, PowerPoint presentation, etc. at the City Hall in Corinne and at the meeting on April 28, 2004.

A Motion was made by Commissioner Clark Davis and seconded by Commissioner Richard Day to adjourn the meeting at 8:45 p.m., all concurred

Passed and adopted in regular session this 20th day of May 2004.



Richard Kimber, Chairman  
Box Elder County  
Planning Commission

ATTACHMENT A

My Name is Ginger Burt - 7255 W. 3200 N - West Corinne  
I assure all of you here that I have given a lot of thought about the zoning & planning of  
West Corinne

In response to the Community Meeting held March 25<sup>th</sup> at the Corinne School. Nothing about the planned zoning - & answers to questions didn't settled very well - I spent several hours with Brenda Anderson the next day and we tried to figure out why the West Corinne Committee and County were trying to move so quickly and zone so small - why was there any Commercial zoning being planned for our community. I have written to almost everyone on the County Planning Commission - All the West Corinne Planning Committee in response to that meeting. Only 1 person contacted Roger & I about any of this. With an invite to take a look at Bothwell and has given us material that gives solid information as to how to meet land owners needs/desires and keep the country lifestyle we now have. And we would like every resident to have a printed copy before we have another community meeting (not have to ask to have it sent after the public meeting) *with facts*

The proposed zoning & planning for West Corinne looks to be very poorly thought out - there has been little if any community input into this process. (Was there a process or did the County Planner and the consultant do all the planning and convinced the Committee it was what was best for this area?)

My husband and I have been told that as of this date April 15<sup>th</sup> 2004 that the West Corinne Planning Committee & County Planning Commission will have met the legal requirements to put into place (vote) the proposed zoning & planning - Have all the requirements been met ? and more important has it been an Honest meeting of the requirements?

I would even like to pose the question has this process been legal? Hasn't this been at the least a false advertisement of West Corinne Planning - misleading people to think only West Corinne is being worked on - But, reality all of unincorporated Box Elder Co is being zoned with this proposal.

If this is West Corinne Planning - why are you zoning clear over the freeway. I asked after the Corinne School meeting why is Dee Hardy on this committee (the residents out side of West Corinne have no clue - zero knowledge that their areas are being zoned.

1. My husband and I with this list as support that we have only seen the tip of the iceberg of uninformed community members who want more information - ask this Commission to put into place a total freeze on West Corinne for a reasonable time period (determined with input from the community) that nothing will be allowed to take place - that no commercial inity can push into this area while we are in the planning process. That the present zoning & planning be tabled for a much needed further working process.

2. Allow the community a chance to begin this process again choose a new West Corinne Planning Committee - no one knows how this committee ~~was chosen~~ they have failed to gather any input - As of Monday Roger and I have contacted as many of our neighbors as we could - to find out if they knew zoning was being planned or had enough information for it to become the finalized plan for the area - well over the majority had no idea that this process was taking place - and were totally surprised that the zoning was being planned for 1 acre / ½ acre/and even smaller lots. And not one person on this list wants any Commercial Zoning planned for our community at this time - The biggest response was (we have the Ag Park lets finish that before we plan anything else). Why didn't this committee make any attempt to hear from the people. Lets set a date now for a True West Corinne Community Planning - Learning Meeting and start the process with the Community informed of what needs to happen to insure our present Lifestyle.

Thank you!

forming a new committee: At the next public Community Meeting

Every Person in West Corinne that is interested in Being on this committee - should have the opportunity to stand and give a brief statement as to why they would like to serve on this planning committee.

Then those people in attendance at this public meeting by just a raise of hand - vote for whom they feel would best represent West Corinne interests. (A simple elimination vote until the number needed is chosen)

We need more Community input - planning - thought as to what is best for our community most of all we need to make sure every effort is made to make sure all residents are informed that this process is going to take place and inform them as to the proposals so they can have knowledgeable input.

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Some will say the people were notified to the Community Meetings:

I did not find the March 25<sup>th</sup> meeting listed in the Public notices

I did not find This meeting in the Public notices - only info was my letter to the editor - but I know there will be many people who will not even see it. (Because I should have had West Corinne in the Title)

yes was a good article about March 25<sup>th</sup> meeting - but, not majority of a community take the local newspaper - and if only 1 notice about a meeting this could be over looked because of busy schedules. Why hasn't this also been mentioned in our local Corinne Comments (the proposals - committee members - dates, times, places).

Notices sent out - Could be misleading - Card said in Large Print - TOWN MEETING very misleading and I would suppose just thrown away with out reading more - because we don't call ourselves a town when we see the word town we think of Corinne City and that doesn't mean us so don't read on.

**ATTACHMENT B**

Need more growth info

Editor:

The myth: "Growth is coming whether we want it or not." The reality: Acceptance of this statement as truth does not mean that we must allow development to occur at whatever rate pro-development forces would like.

It's real easy to make the mistake of starting too small.

If you are reading this you can help make the decision as to how fast the area grows.

Zoning is not an issue of freedom to do whatever you want with your land. The smaller the lot size and the more dense the population, the more need there is for land use regulation.

After April 15, the County will have the right to finalize (vote) as to what the zoning will be. We don't feel that the residents of West Corinne have had enough input and definitely not enough information to know the problems that are going to develop because of small lot zoning.

Please be involved enough to learn more. 1. Let the West Corinne Planning Committee know you want more information - we need more community meetings for you to learn the drawbacks of small lot zoning. 2. Small lot sizing encourages big developers. 3. Anything under five acres removes the ability to have any animal rights. 4. The more you encourage housing development - the more you encourage commercial development - you will have more traffic on all the roads. Those of you that are already living on a busy road, your roads are planned to become major artery roads.

There is still time and many ideas to learn about. Let's not make the mistake of not making the best decisions for the community.

Call Ginger or Roger Burt at 744-5545 to receive more information.

Come to the County Planning Commission meeting and ask for another West Corinne Community Information Meeting - before any final votes can be put into place.

The Box Elder County Planning Commission Meeting will be held on April 15 at 7 p.m. in the county courthouse, located at the corner of Main and Forest Street in Brigham City on the top floor, Room 33.

Ginger and Roger Burt

ATTACHMENT C

Ginger & Roger Burt  
7255 W. 3200 N.  
Corinne, Utah 84307  
744-5545

March 26,

Response to,  
West Corinne Community Planning Meeting - March 25, 2004

Dear Committees, *Dear Mr. Kimber -*

*Thank you  
for taking time  
to read this  
Ginger*

Let me first thank each of you for your time invested and your efforts on the County level and the West Corinne Committee also. I apologize that at the Community Planning Meeting that I did not say that I am for zoning and planning we need to make sure that we don't end up with a hap hazard - over run community.

The zoning that is a concern are the half acre lots:

1. Once you zone half acre lots and get it started this way it will not be possible to reverse if the community doesn't like it (once a bunch of houses are built your not going to be able to tear them down)
2. The availability of half acre lots I feel leaves us open to developers - If a Land Owner decides to sell property for housing that is their right - but, It is a lot more likely that they are not going to individually sell all the half acre lots they may want too because to develop a five or 10-acre parcel or larger - they will have to invest a lot of their own money - which is why they are selling land to make money not invest more into it.

But, if they sell it to a developer that developer will have the money and resources to accomplish this.

There are going to be people who say water will keep growth down but, like everyone has said - change is coming and at some point water may not be a concern (or those that want this will make anything happen.) And my point is wouldn't it be better to start with a slower growth rate.

3. Why wouldn't it be better for our starting this zoning and community planning to say nothing smaller than 5 acre parcels?
  - a) To help keep the developers from coming in and wanting to change the community too quickly.
  - b) If we too quickly get too much growth then we will definitely change the current lifestyle

At the beginning of the meeting John Ferry started with these thoughts: that the planning process they were working toward was to "Protect what we enjoy, Our Lifestyle," and that this was a "Proactive - open-ended process."

Well let's do put a plan in place to protect what we enjoy - space & country living. You can drive around now and see a house going in here and there along the roads that are planned for becoming Arterial or Major Collector roads, so we really do need to get plans in place. Those that have already built or have been long term residents are either going to have a housing development across the street - beside them or directly behind them! Instant lack of space or country living.

Let's consider seriously of making only larger parcels available in our zoning that will attract only people that are looking to have that little bit of space and country style. Structure these larger parcels (no smaller than 5 acres) that are built with the minor collector roads in mind, that feed to a major collector etc.

My husband and I were approached by one of the County Commissioners to tell us to drive out to Bothwell to see that area - all now zoned to 5 acre parcels - situated so that those who want to live in the country have the space around them, but do not want to care for 5 acres the farmer who sold the land can still farm the land (I know some problems have arisen having farming near housing lets look at their problems and learn - lets do this to avoid problems down the road) communities have 5 acre limits some are working others later on down the line have decided that certain areas are being needed to become the traditional housing development half acre lots.

I know many will and have said it's their land they can do what they want - but we are a community - Do they not want zoning at all - because we don't have zoning now - and houses are popping up in lots of places. I thought one of the biggest issues was that we wanted to have zoning (regulations) in place so that the community doesn't get another huge commercial (like Wal-Mart) and not be prepared to handle it (water & impact on community - trucks)

I would like this community to start slowly and consider the zoning to start with 5 acre minimums so we don't grow to fast in a direction we may not want to be in 10 - 15 - 20 years from now when it's not possible to get that space or country style back.

I wrote the above part of the letter the morning after the community meeting, the next morning I went over and visited Brenda Anderson and showed her what I had written down. Brenda and I discussed the meeting and both felt like Con Roper that receiving the information we did at the meeting and trying to stand up and form intelligent questions and statements were more of an

oxymoron - but, for the planning committee to say they wanted to "protect what we enjoy, Our Lifestyle, and that this was an "open-ended process" then saying that all the area in pink on the map are half acre lots sounds like an oxymoron. Brenda made a significant statement to me. "The planning Committees everywhere protect the, Wet Lands, The Endangered Species, but - what about the farm land, what about the places we live, the place we grow our food." I will be the first to admit we don't supply much, if any, of the worlds population of food. But, we are starting to see the land and our way of life becoming endangered.

We ask please do not put into place small lot zoning on our first round of planning - like stated earlier in this letter - zone at least 5 acre lots and then if an area deems it more feasible then lets do make an housing development. Lets even work out ways where families can add housing for their own families using good planning with roads and other needs in mind.

With this thought in mind and now that I have received the packet of information from the community meeting and reading over the notes and information from the presentation I feel the need to add a few more points.

1. I went to the meeting that night expecting to hear some proposals for protecting our area from big growth of commercial development - I know growth is coming - we all know we were blind sided by Wal-Mart. But, instead of hearing that we are going to put safe guards in place - the main focus was on zoning half acre lots so that those who have a lot of farm land can cash in on the growth craze that is sure to come.
2. I asked about minimums and maximums of commercial development and guidelines for commercial development and the answer that I received was the one I feared - "Development would be determined if the conditions were right and the market was ready etc." I also asked about the guidelines for water problems.

Well this is how this sounds to me is that the West Corinne Planning is putting zoning into place that says we are ready to grow this area into a commercial developed area because we are encouraging the area to be highly restructured into housing development (not in the outlying areas that are hard to grow crops or next to wet lands, but right up close to where you know you can attract Large commercial development, and when I asked the question what about water the answer came "Some plans are in the works with the Bear River Conservancy, Corinne City, & West Corinne tying all these systems together in an effort to avoid problems [of lack of water]." (Like I stated in the first part of this letter "at some point water may not be a concern (or those that want this will make anything happen.) It is clear those that want this growth won't

let a little thing like water be a problem, they will avoid the problem.

I do not see that anyone (but a very, very, few) that are working to keep our community with any work toward ensuring our present lifestyle. Please lets try a little harder by moving a little slower use a little restraint not to jump too much too fast.

One last point - Don Miller suggested that a "right to farmers" be included in the master plan - Please make sure that this is written in large, bold, point blank print in this plan so that we do not later have to fight a battle to have the right to use land in this area. I feel Mr. Day was too cavalier with the answer to this. This is an area that needs to be very, very, exact.

I really encourage a slower growth rate that will - Practice an open-ended process that will - Protect what we enjoy - our Lifestyle.

Thank you,  
Ginger & Roger Burt

*Roger Burt*

*Ginger Burt*

Residents of West Corinne Community

*Read ALL of this information before you stop!*

Prepared by Theron Eberhard, a land owner, farmer and resident of Bothwell. 4-12-04 If you have questions or comments, feel free to call me @ 435-854-3971 I do not represent any other group or individuals. The information presented herein is my interpretation of what I have learned, heard and seen as a result of being involved in two efforts to prevent the destruction of the rural agricultural lifestyle in the Bothwell area by zoning the area to small lots. I also learned much of what I present here by serving on the County Planning Commission for a few years.

### **What most people who live in a rural agricultural community want**

- Continue farming and sell some land occasionally
- To sell a piece of land on which my children can build a home
- Perform farming activities without offending neighbors or threat of lawsuits
- Maintain a rural atmosphere with lots of open space
- Have neighbors who want to live in & maintain a rural lifestyle
- Raise animals without neighbors complaining

### **What county planners want**

- Allow controlled, planned growth
- Have zoning

### **What county officials want**

- Allow communities to determine their own land use policies
- Allow controlled growth without requiring large rapid increases in infrastructure
- Make the best use of the land

### **What the courts want**

- Zoning that is not arbitrary and capricious
- Zoning that does not single out or favor individuals
- Zoning that has been upheld by the US Supreme Court. Basically, it must be in the public interest and for the general welfare of the community impartially and without compensation.

## Consider 5 acre zoning

### What most people in a rural agricultural community want

Continue farming and sell some land occasionally

To sell a piece of land on which my children can build a home

Perform farming activities without offending neighbors or threat of lawsuits

Raise animals without neighbors complaining

Maintain a rural atmosphere with lots of open space

Have neighbors who want to live in & maintain a rural lifestyle

### What 5 acre zoning does

Allows farmers to continue farming and sell some land occasionally

Allows you to sell a piece of land on which your children can build a home.

\* See below

\* See Below

Maintains a rural atmosphere with lots of open space

Most neighbors will have considered and chosen a rural agricultural lifestyle. Those who have not will quickly move on.

\* When someone purchases 5 acres in a rural agricultural community, they will be much more likely to be understanding of rural agricultural practices than someone who purchases 1/4 or 1/2 acre and wants to live somewhere with lots of open space but does not contribute to or become part of the rural agricultural environment.

## Consider 5 acre zoning (continued)

What county planners want  
Allow controlled planned growth

What county planners get  
Provides structure for controlled, planned growth

What county officials want  
Allow communities to determine their own land use policies

What county officials get  
Land use policies & zoning favored by 80-90% of residents

Allow controlled growth without requiring large rapid increases in infrastructure

Slow, controlled growth without requiring large rapid increases in infrastructure

Make the best use of the land

A plan which favors using prime farmland for agricultural purposes

What the courts want

Zoning that is not arbitrary and capricious

What the courts want

Zoning that has a specific purpose, and is part of a community plan which was a result of a deliberate planning process which followed due process and is part of a lawfully adopted community plan.

Does not single out or favor individuals

Zoning which does not single out or favor individuals. The larger the area which is zoned in any specific type of zone, the less possibility that any individual is favored over another.

Land use planning which has been upheld in courts of law

Referring to zoning law, West's Encyclopedia of American Law states: "The landowner cannot complain as long as power to zone is used in the public interest and for the general welfare of the community impartially and without compensation".

## **History of 5 acre zoning in Box Elder County**

Currently there are two areas zoned with 5 acre minimum lot size in the county. They are the Harper Ward area and the Bothwell area. The Bothwell area adopted 5 acre zoning in 1978

### **Perceived drawbacks and reality to 5 acre zoning**

1. 5 acres is to small to farm and to large of a yard to maintain properly. It will become a large weed patch.
  - Reality: Many of the 5 acre lots in the Bothwell area continue to be farmed along with the original piece of land to which the 5 acres belonged. This benefits the lot owner and the farmer. In this case, the lot owner can develop all or part of his lot as he chooses.
  - Reality: Irrigation water rights can be conveyed to the lot owner at the time of purchase.
  - Reality: Those who would not maintain a large yard are also likely not to maintain a small yard.
  - Reality: Someone is not likely to purchase a 5 acre lot unless they have the desire, a purpose and the wherewithal to maintain it.
  - Reality: Generally small yards in a rural environment are not as well kept as they are in the urban setting. Proportionally more smaller lots are unkempt and trashy than are larger lots. Look around you and see if this is not true.
2. 5 acre zoning will stunt the communities growth and vitality.
  - Reality: In the 26 years Bothwell has had 5 acre zoning, 41 new homes have been built in the zoned area. Approximately 1/2 of these are on pre-existing small lots and 1/2 are on newly created 5 acre lots.
  - Reality: In the 26 years Bothwell has had 5 acre zoning, many people new to the area have moved there. Some have moved on; others have stayed. There are currently 26 first generation or new to the area families living in the zoned area. Bothwell currently has approximately 140 houses.

## **5 acre zoning in Bothwell has accomplished the following:**

1. Allowed controlled, reasonable development.
2. Helped maintain a rural agricultural environment reflecting the general lifestyle of current residents.
3. Minimized the need for rapid expansion of roads, water systems, etc.
4. Allowed land owners options to sell parts or all of their land as needed to convert land assets to cash
5. Discouraged the destruction of prime farmland, a valuable non-renewable natural resource.
6. Discouraged rapid and large scale development.

## General Information

*It is said by some, "Growth is coming whether we want it or not".*

Acceptance of this statement as truth **does not mean** that all communities in Box Elder county must allow development to occur at whatever rate pro-development forces would like.

### Zoning Authority

Jurisdiction authorities, in our case County Commissioners, have legal authority to zone.

**Zoning is always done to accomplish a certain purpose. If not so, there would be no need for zoning.**

The purpose of zoning is to allow certain legal uses of the zoned area. Thus, by its nature, zoning cannot be fair to every individual landowner. In all but rare cases, these legal uses favor some land owners and are unfavorable to others. If zoning is used, the challenge it to justify satisfactorily the type of zoning used so it stands up legally if challenged in court.

Use of zoning has been upheld by the United States Supreme Court.

### Zoning Criteria

1. Reflect the best use of the land.
2. Reflect public interest.
3. General welfare of the community.
4. Must not favor a particular group.

### Personal rights & freedoms

1. **Zoning is not an issue of freedom to do what ever you want with your land.** Currently, you do not have the right to do what ever you want with your land.
2. Even without zoning, various agencies already restrict what you can do with your land.
3. In the general interest of the public, you can be forced to sell your land for public use.
4. Is there anyone who really wants his neighbor to be totally free to be able to do whatever he wants with or on his land? Some protection is necessary from unhealthy, dangerous or other practices which are not in the best interest of the general community. **The smaller the lot size and the more dense the population, the more need there is for land use regulation.**
5. **Ironically, some who want total freedom from zoning restrictions, want to do so that they can have the option of subdividing their land into small lots at some point in time, thereby increasing the necessity for land use regulation.**

**ATTACHMENT E**

**TOWN MEETING  
REGARDING  
PROPOSED ZONING  
Thursday, March 25, 2004  
7:00 p.m.**

A Town Meeting will be held on Thursday, March 25, 2004 at 7:00 p.m. at the Corinne Elementary School. At that time the members of the West Corinne Community Planning Committee will present their findings and zoning recommendations to the citizens and time will be allowed for public comment before the final recommendations are forwarded to the Box Elder Planning Commission for their consideration.

**REMINDER**

**The continuation of the Public Hearing that began on March 25, 2004 in the Corinne Elementary will continue on April 15, 2004 in the Box Elder County Commission Chambers, Rm 33 of the Box Elder County Courthouse.**

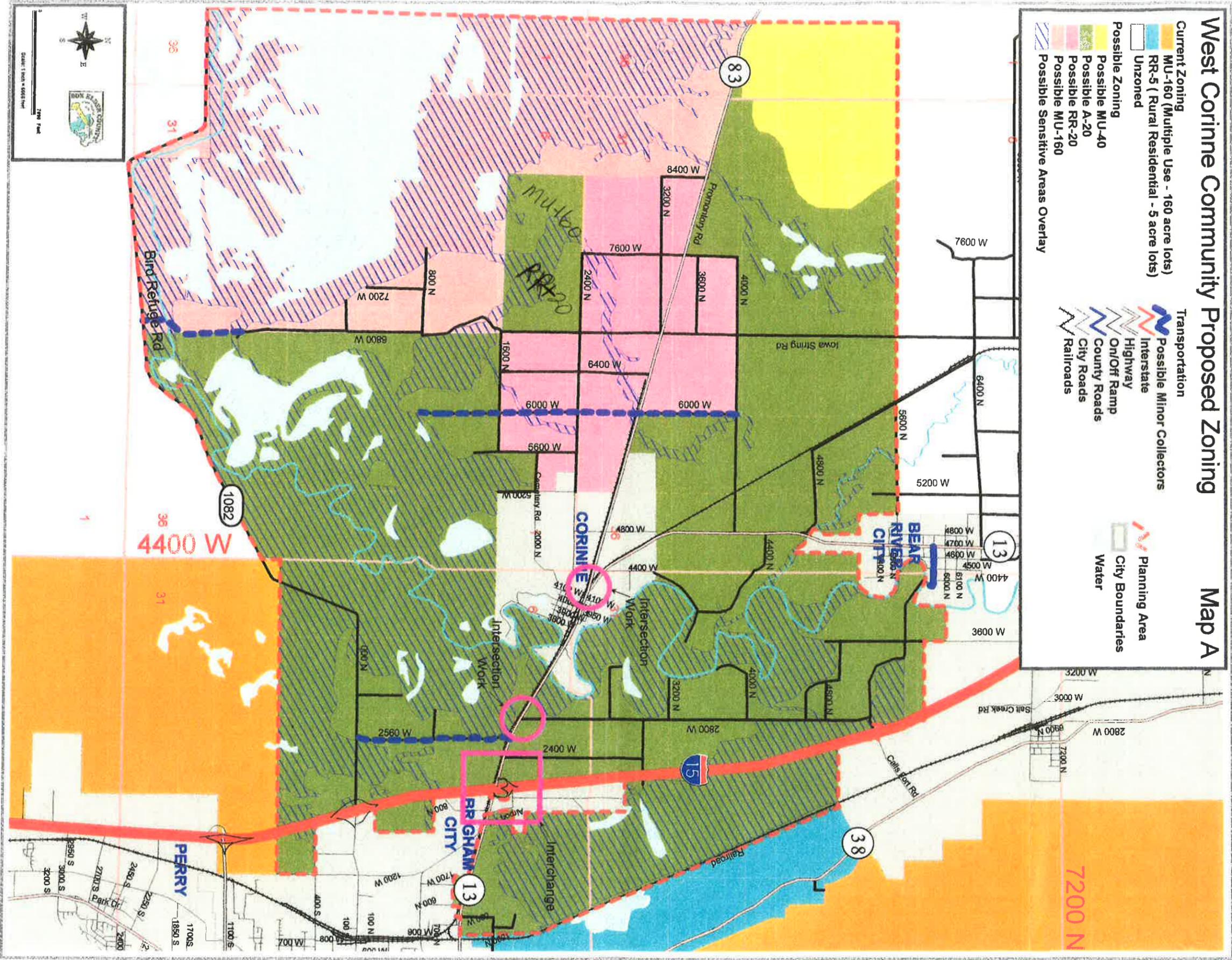
**This Public Hearing is in regards to the West Corinne Community Plan.**

**If you would like to attend, please enter through the south basement door of the Courthouse. The meeting will start at 7:00 p.m. or as soon thereafter as possible.**

# West Corinne Community Proposed Zoning

## Map A

- Current Zoning**
    - MU-160 (Multiple Use - 160 acre lots)
    - RR-5 (Rural Residential - 5 acre lots)
    - Unzoned
  - Possible Zoning**
    - Possible MU-40
    - Possible A-20
    - Possible RR-20
    - Possible MU-160
  - Possible Sensitive Areas Overlay**
- 
- Transportation**
    - Possible Minor Collectors
    - Interstate
    - Highway
    - On/Off Ramp
    - County Roads
    - City Roads
    - Railroads
  - Planning Area**
    - City Boundaries
    - Water



# West Corinne Community Plan

## Map B

Transportation	MU-160 (Multiple Use - 160 acre lots)	Possible One-Half Acre
Possible Minor Collectors	RR-5 (Rural Residential - 5 acre lots)	Possible 1 Acre +
Interstate	Unzoned	Possible One-Half or 1 Acre
Highway	Possible Zoning	Possible Commercial
On/Off Ramp	Possible MU-40	Planning Area
County Roads	Possible A-20	City Boundaries
City Roads	Possible RR-20	Water
Railroads	Possible MU-160	
	Possible Sensitive Areas Overlay	

