



## PUBLIC HEARING

Chairman Kimber called the public hearing open and stated that although the Commission would entertain questions, the Commission would not necessarily have answers for those questions at this time. The purpose of this hearing was to receive input from those present regarding the **KRYS OYLER RE-ZONE** petition in the Bothwell Pocket area (from about 12800 North including Sections 21, 22, 23, 26, 27, 28, part of Section 14 West of I84, Sections 9 and 10 west of I84). Chairman Kimber asked that the comments not be duplicated in order to expedite this public hearing.

Mr. Day explained that this petition regarding a request for a re-zone in the Bothwell pocket area was to consider the area that is currently un-zoned changed to an RR-5 zone. Mr. Day pointed out that there are some areas surrounding this purposed area for re-zoning that have not been included in the petition by Mr. Oyler, but Mr. Day stated that the Commission might want to include those areas during their consideration to create a more contiguous zoning area. Mr. Day then told the Planning Commission that their ultimate goal was to come to a decision regarding this re-zone petition, and whether or not to recommend this re-zone petition to the County Commission. The summary of the issues regarding this re-zone petition included:

- ⇒ Does the application conform to guidelines contained in the General Plan?
- ⇒ Is the zoning appropriate for the area?
- ⇒ Does the zoning reflect the uses both now and in the future?
- ⇒ How can the County best service the area?

Mr. Day then told the Planning Commissioners that his office is currently working on updating the Box Elder County General Plan, through a community plan process started in West Corinne and also South Willard. Therefore, Mr. Day recommended creating a Bothwell (pocket area) community plan prior to establishing zoning. The Land Use Element of the (current) General Plan outlines the following findings for land use decisions:

- ▶ Does the proposal maintain the current quality of public services through balanced growth and development?
- ▶ Does the proposal protect rural, agricultural, mineral, wildlife and other traditional land uses?
- ▶ Does the proposal promote development patterns consistent with, and sensitive to resident preferences?

At the conclusions of Mr. Day's comments he recommended that the Commissioners receive input from the public at this meeting and then consider creating a community plan for the Bothwell area for the Planning Commission to take action on (prior to re-zoning).

*Mr. Gary Feldman* read a prepared statement from a Jill Christensen, a long time resident of the Bothwell area. The statement is included with these Minutes as **Attachment "A"**.

*Mr. Randy Marble* then addressed the Planning Commissioners speaking on behalf of himself, his brothers Dee and Greg, and Boyd S. Marble, as well as Chanshare, Inc. DBA Chanshare Sod Farms. His statement is included with these Minutes as **Attachment "B"**.

*Mr. Darrell D. Woodward* submitted a letter as he was unable to attend this public hearing and it is included with these Minutes as **Attachment "C"**.

*Mr. Scott Newman* stood representing the petitioner, Krys Oyler, as Mr. Oyler was unable to attend this meeting, and stated that the Planning Commissioners were in possession of Mr. Oyler's re-zone petition. *Mr. Newman* stated that as part of Newman Brothers Dairy and Farm, they support the proposed five-acre zoning.

*Mr. Lynn Rindlisbacher*, representing Kim Rindlisbacher, Doug Knudsen, and KD Developers, addressed the Commissioners as a landowner in the northern Bothwell area and they are strongly against the five-acre zoning as there are plenty of five-acre lots in Bothwell now. *Mr. Rindlisbacher* stated that in order to keep a community healthy, diversity is needed, and, therefore, was against the statement read earlier by Mr. Feldman. *Mr. Rindlisbacher* has developed all over the western U.S. and those community are well thought out and do not consist of five-acre lots, but consist of 6000 to 8000 square foot lots, to the largest lots being one acre. *Mr. Rindlisbacher* went on to say that they are interested in developing their property and five-acre lots are just too large for affordable infrastructure. Commissioner Thompson asked *Mr. Rindlisbacher* if he was for zoning, and he said that he was for a **Master Plan** that would be well thought out, but he is not in favor of the proposed five-acre zone.

Commissioner Thompson also asked *Randy Marble* as to whether or not he was in favor of zoning, no zoning, some zoning but planned, or just against the five-acre zone. Mr. Marble said that "they" are against the five-acre zone completely, but those that he represents (with the exclusion of Greg Marble, who would like no zoning) "would be in favor of participating in a process that puts together a reasonable land use plan for the area."

*Mr. Doug Call* apologized for not having a prepared statement to read such as Mr. Feldman and Mr. Marble. *Mr. Call* thought that the statement read by Mr. Marble supported zoning, as many of the items he brought up were reasons to have zoning. There is large equipment in the area. The infrastructure will not support [large numbers of] homes in the area. Currently there are only four houses that have been approved, but many more are proposed. There is no water available to those properties. The state water engineer told *Mr. Call* that his office would not issue any permits for individual wells. *Mr. Call* brought up the issue of the roads in the Marble Hill Subdivision and the condition that they are in, and that [like in the Marble Hill Subdivision], the residents will want the County to "fix" roads when they are in disrepair. *Mr. Call* does not want to see higher taxes to fund these repairs. *Mr. Call* also did not feel that zoning would devalue the property in the area as it is currently agriculture, and zoning would help to see that it remains agriculture land. *Mr. Call* stated that he supports the five-acre zoning. Mr. Day stated that the Marble Hill Special Improvement District (SID) that *Mr. Call* referred to is special in that it is different from a regular (current subdivision) development. Marble Hill was the first subdivision that the County did and they never took over the maintenance of the roads in the subdivision. The subdivision regulations have changed and a developer is required to bring roads in a subdivision area up to County standards. A portion of the gas tax is used to maintain the roads in the future. In 1978 when Marble Hill subdivision was first built, the County did not receive any portion of the gas tax to help maintain those roads and that is the purpose of creating a SID where each landowner within the subdivision will pay their portion to maintain those roads and tax dollars will not be used, according to Mr. Day. *Mr. Call* was concerned that the current roads in the area are not suitable for heavy traffic that would occur with increased subdivisions in the area.

Mr. Roger Fridal lives in the middle of the Bothwell pocket and stated that he was anti-zoning, although he would be in favor of a planned zone, but was definitely against the five-acre zoning.

Mr. Randy Marble said that there is a process to protect agriculture land within the County, and he further stated that Commissioner Eberhard had gone over that process with numerous pieces of property in the Bothwell area and the Bothwell pocket. This process allows the existing landowners to inform those moving into the area that there is agricultural land surrounding the area into which they are moving. Properly developed, the necessary infrastructure is available for more housing in this area, including water and power. In conclusion Mr. Marble said, "Those who live in the pocket, and work in the pocket, much prefer to exit the pocket out 12800 North. The issues that have been raised about the congestion that will be created on 10800 West can be alleviated with proper planning."

As there were no other comments made, the following motion was made.

**MOTION:** A motion was made by Commissioner Thompson at 7:49 p.m. to close the Public Hearing regarding the re-zone petition. The Motion was seconded by Commissioner Tea and passed unanimously.

At this point the Planning Commissioners adjourned for the ten-minute break before acting upon the other agenda items.

## **CONSENT AGENDA ITEMS**

Two of the items on the consent agenda, the Sheila Flint One-Lot Subdivision and The Burnhope One-Lot Subdivision, were removed for further individual discussion.

### **JAYSEN CLARK ONE-LOT SUBDIVISION LOCATED AT OR ABOUT 17000 NORTH 4000 WEST IN THE FIELDING AREA.**

Mr. Day stated that this one-lot subdivision is located in an area of the County that is currently unzoned. The petitioner has established proof of all utilities with water being provided by UKON. As the petition was in accordance with the currently existing subdivision ordinances and zoning requirements, Mr. Day recommended that the Commission grant preliminary and final approval at this time.

**MOTION:** A motion was made by Commissioner Thompson to grant **preliminary and final** approval for the Jaysen Clark One-Lot Subdivision and submit to the Chairman for his signature and then forward to the County Commission for their approval. The motion was seconded by Commissioner Holmgren and passed unanimously.

**SHEILA FLINT, ONE-LOT SUBDIVISION, LOCATED AT OR ABOUT 20500 NORTH GUNSIGHT PEAK ROAD IN THE PLYMOUTH AREA.**

This one lot subdivision is located in an area of the County that is currently un-zoned and contains two acres. The petitioner has established proof of all utilities with water being provided by Plymouth City. Mr. Day explained that no street improvements are required on Gunsight Peak Road and the Land Use Code requires the following:

“Where an existing road is the designated road and is a gravel road, the subdivider shall be required to improve the existing road to meet the design standards. The pavement shall be extended beyond the subdivision boundary in each direction a minimum of 200 feet or greater as determined by the Planning Commission to minimize the dust emissions. In order to protect the subdivider’s investment for the improved county road, the County shall impose an improvement fee to any owner or subdivider of land that is opposite this section of improved roadway. This fee shall be one half of the total improvement cost and shall be paid to the first subdivider if any additional subdivisions are created within a five year period of when the original subdivision was approved.”

No improvements will be made to the road at this time, but to help with the cost of improvements to this road in the future, the developer or landowner(s) will be require to sign a **Rural Road Agreement** which states that in the future when the road is improved that landowner will pay their share of those improvements. Mr. Day’s recommendation for this proposed subdivision was that the Planning Commission grant preliminary and final approval at this time and recommend waiving the improvements requirements as per the **Rural Road Agreement**.

**MOTION:** A motion was made by Commissioner Tea to approve the Flint Subdivision. The Motion was seconded by Commissioner Thompson and passed unanimously

**THE BURNHOPE ONE-LOT SUBDIVISION, LOCATED AT OR ABOUT 11310 NORTH 10800 WEST, IN THE BOTHWELL AREA.**

Because this subdivision did not meet the minimum requirement of 250 feet frontage, it was decided to table any action regarding this subdivision, until the engineer made the necessary corrections.

**MOTION:** A motion was made by Commissioner Eberhard to table the Burnhope one-lot subdivision application at this time. The Motion was seconded by Commissioner Tea and passed unanimously.

## **NEW BUSINESS**

### **AG-PROTECTION AREA, J & N PROPERTIES**

These properties are located in West Corinne, but due to being unable to obtain the maps necessary to review this area being proposed for an ag-protection, Mr. Day recommended that this item be tabled at this time.

**MOTION:** A motion was made by Commissioner Thompson to **table** the petition for the J & N Properties Ag-Protection Area at this time. The Motion was seconded by Commissioner Tea and passed unanimously.

### **ROCKY DUGWAY ROAD VACATION PETITION**

Mr. Day explained that this petition is to vacate a portion of the Rocky Dugway Road east of Mantua [town] and south of the Mantua Reservoir; entering into the Harold Feldman property and the Willard Peak Meadows property. The road then continues into the Cache National Forest where it splits into two roads, one leading (south) into Avon and the other (north) into Paradise in Cache County. The petition is to vacate the portion of the road that goes to the county line. Mr. Day told the Planning Commission that this has been somewhat of a controversial issue. The County Commission held a public hearing and there were some complaints that this hearing was not accessible to interested parties. Because of this, the County Commission has passed this item to the Planning Commission for further review along with sending it to the Access Management Team (AMT) for their review. The Chairman of the AMT has been out of town, and their review has not yet been received. Commissioner Davis recommended (during the County Commission meeting) that the Planning Commission hold a public hearing at night to accommodate more people. Mr. Day also stated that there are other items of concern regarding this petition, i.e. some of the access roads, right-of-use or deeded roads give access to public property. Mr. Day further stated that there needs to be a *very clear policy* on how this access works and it needs to be a part of the General Plan for the County. It is currently addressed in the General Plan, but not defined in terms of an actual policy or position of the County. Mr. Day stated that he would like to have more time to address these issues and also that a public hearing be set for October.

Commissioner Tea asked about the legality of a person petitioning that a road be “shut down” that accesses government property and if the Commission says “yes” then it can be done? Aren’t there federal laws or something that would intervene? Mr. Day stated that this is one of the big issues concerning this petition. Some of the property owners that have submitted this petition argue that those persons that use this road are causing damage to their private property, even though this road leads to government property. Mr. Day further stated that managed use would probably be the better option, as the public would find other ways to access the area if these roads are closed, thus creating more damage and problems for the landowners. Mr. Day also stated that the County owns sixty-six feet of this road and the County maintains the road (somewhat). This is a “class B” road, which states that it must be maintained so that a four-wheel vehicle can travel across it and the road can get quite rough in some spots. Mr. Day suggested that a field trip be arranged for the Planning Commissioners to be able to see this road in question on September 18, 2003 just prior to the meeting of the Planning Commission that evening. He also recommended that a public hearing be set for the October regularly scheduled meeting, allowing sufficient time for the Commissioners to

organize a field trip to take a look at the property, and allowing him time to draw up a policy regarding this road vacation for discussion at the September meeting, after which time notifications would be made for the public hearing to be held in October.

**MOTION:** A motion was made by Commissioner Tea to follow Mr. Day's recommendation for a field trip on September 18<sup>th</sup> and then to set a public hearing for the October 2003 Planning Commission meeting. The Motion was seconded by Commissioner Eberhard and passed unanimously.

*Scott Butler*, Mantua Town Council requested that an invitation be extended to the Mantua Town Council and the Mayor of Mantua to attend the proposed field trip.

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## UNFINISHED BUSINESS

### **KRYS OYLER RE-ZONE, BOTHWELLPOCKET AREA FROM ABOUT 12800 NORTH INCLUDING SECTIONS 21, 22, 23, 26, 27, 28, PART OF SECTION 14 WEST OF I84, SECTIONS 9 AND 10 WEST OF I 84**

Based on the information that was received at tonight's meeting during the public hearing, Mr. Day recommended that the staff bring back a recommendation next month (September 2003) on how to proceed with a community plan proposal for the Bothwell area. Commissioner Eberhard, however, felt that because there has been a petition submitted by some of the landowners in the Bothwell Pocket area, that it is the responsibility of the Planning Commission to act upon that petition, because "due process" has taken place on this issue. Commissioner Eberhard went on to say that he believes that the Planning Commission needs to recommend to the County Commission either acceptance or denial of the petition requesting five-acre zoning. Community planning may take place sometime in the future, but in the meantime, this petition has come before the Planning Commission and needs to be acted upon, either in favor or against and not leave this petition in limbo until a time when community planning can take place. Chairman Kimber agreed with Commissioner Eberhard that [perhaps] this particular petition needed to be acted upon, but it should not "close the door" for any future community plan that may develop in that area. After some further discussion among the Commissioners, Mr. Day said that he would include the petition on the agenda for September's meeting at which time the Planning Commissioners can vote on the issue.

## WORKING REPORTS

Mr. Day talked with the Planning Commissioners regarding the **Memorandum of Understanding** that has been drawn up between Box Elder County and the Bear River Water Conservancy District addressing the water flow issue in outlying areas of the County. As there has been some issues regarding fire protection in subdivisions in the County where water flow is not sufficient, the Water District and the Fire Marshall have reached an agreement on what is adequate for fire protection in "isolated rural areas and small communities where the water availability is limited." As new fire hydrants are installed, in these outlying subdivisions, they will be color-coded to indicate the gallons

of water per minute that the hydrants are capable of delivering. Commissioner Tea had some concern regarding the size of the water lines that are used in the subdivisions and the capability of delivering the necessary water pressure. A copy of the memorandum is attached to these Minutes.

**MOTION:** A motion was made by Commissioner Tea to accept this memorandum as a working model, but more discussion needs to take place between the Bear River Water Conservancy District and Box Elder County. The Motion was seconded by Commissioner Thompson and passed unanimously.

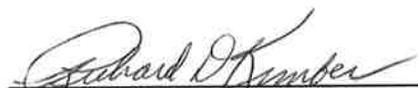
The final item that Mr. Day brought before the Planning Commissioners was in regards to item 1.24 in the Land Use and Development Code book, which addresses “**Yards to be Unobstructed – Exceptions.**” It reads as follows:

*“Every part of a required yard shall be open to the sky, unobstructed except for permitted accessory buildings in a rear yard, the ordinary architectural projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than two and 2 ½ feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into yard not more than 5 feet.”*

Mr. Day further explained that accessory buildings are not allowed in front yards or within the footage that is required by the code (as outlined in the Box Elder County Land Use Development of Code). An example would be that if there is twenty feet in a side yard and only fifteen feet is required, then a structure could be put in the five-foot additional area, but not within the required fifteen-foot area. Sheds are not allowed in the front yard, but only in the rear yard. These are the guidelines that Mr. Day has been enforcing and wanted the opinion of the Commissioners as to whether or not he has been correct in his interpretation of the Code. Mr. Day said that the biggest request is for covered patios and outbuildings in the side yards. The Planning Commissioners concurred with Mr. Day’s interpretation.

A motion was made to adjourn the meeting at 9:03 p.m. by Commissioner Eberhard and seconded by Commissioner Day.

Passed and adopted in regular session this 18<sup>th</sup> day of September 2003.

  
Richard Kimber, Chairman  
Box Elder County  
Planning Commission

ATTACHMENT "A"

Our request for a change in zoning has come about in exactly the same way as the original request for zoning in Bothwell did 25 years ago. Now, as then, the request for a zone change has come from the people of the area and not the County Commissioners. The specific reason the citizens of Bothwell are requesting a 5-acre zone is to preserve Bothwell as a pristine agricultural area. This is the exact same request from the citizens as was made approximately 25 years ago. At the present time there are subdivisions proposed in the northern part of the Bothwell pocket which, if approved, would be the beginning of changing Bothwell from an agricultural, rural area into a residential area.

In March of 1978, during the public hearing for the original 5-acre zoning request, a comment was made by Boyd Marble of Bothwell which I would like to read at this time. "Boyd Marble said he would go along with the majority, but he wondered if the proposed boundary doesn't go too far to the north as he said it includes land where there aren't any homes now. He said he thought they should not include this area until people start to build and let them request what zoning they want at that time."

So here it is 25 years after the original zoning request was made. People are beginning to build homes in the unzoned area, and the citizens of Bothwell are requesting the 5-acre zoning be extended to include the entire area known as the Bothwell Pocket in order to preserve Bothwell as a pristine agricultural area. The Bothwell Pocket is a geographically isolated area bordered by the Thatcher Range on the west, The Blue Creek Range on the east, and 11200 North on the south. The Pocket is actually triangular in shape. The southern end of the pocket currently is zoned RR-5. It would seem to be a matter of common sense that the entire area should have a uniform zone throughout. Even though there are a limited number of citizens against the 5-acre zoning, the majority are in favor of the 5-acre zone.

In referring to fairness in zoning laws, *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." The majority of Bothwell citizens believe the request for extending the 5-acre zoning meets the above mentioned criteria and other legal, moral, and ethical standards for zoning regulation as well as any could. The existing regulation is preferred by the overwhelming majority of the community. It has served the community well by maintaining a rural environment and minimizing the use of prime farmland for other than agricultural purposes.

The citizens of Bothwell have been presented with a questionnaire specifically asking them if Bothwell should allow some type of flexible development or remain a pristine agricultural area. There is an overwhelming majority in favor of extending the 5-acre zone throughout the entire ~~known~~ as the Bothwell Pocket in order to maintain Bothwell as an agricultural area.

I would like to read another comment made in the original public hearing of March 1978. This comment made by Mr. Grant Skeen. "Mr. Grant Skeen explained that he works in the County Surveyor's office and doesn't have a vote but he said because of his work he can see the need to do something and suggested the people include enough area to protect their water system and caution these people to remember their goals in asking for a zone change. He said you've got to make a decision and if you just keep thinking about it, you may be too late acting, saying if you delay too long and the thing you are trying to protect against gets in ahead of your zoning, it's too late."

In summary, we, the majority of Bothwell's citizens, have seen the need to do something. Our goals today are the same as 25 years ago. We have come before this commission to request the 5-acre zoning be extended to include the entire area known as the Bothwell Pocket. Extending the 5-acre zoning would give uniformity to the entire area and protect prime farmland from development. It is imperative that this decision not be delayed or the very thing we are trying to protect against will be approved ahead of our zoning. We respectfully ask this commission to make the same decision in

favor of 5-acre zoning as was made 25 years ago, a decision which clearly represents the wishes of the majority of the citizens of Bothwell and protects our community as a pristine agricultural area.

ATTACHMENT "B"

OPPOSITION TO APPLICATION 5503-09

To: Box Elder Planning Commission

From: Randall B. Marble

On behalf of: Randall B. Marble  
Chanshare, Inc. dba Chanshare Sod Farms  
Dee. M. Marble  
Gregory C. Marble  
*Boyd S. Marble*

Interest In Property: Owners, lessee, and agent

INTRODUCTION

My name is Randy Marble. I am an officer of Chanshare, Inc. and speak for the parties mentioned above. We collectively either own or lease the majority of the property west of Interstate Highway 84 in the Bothwell Pocket. While we do not object to the petitioners request to zone their own property RR-5 we **strongly object** to the zoning of the property in the which we have interest being changed to the RR-5 zone.

HISTORY

I was born and raised in Bothwell, Utah and for ½ of my life have lived in Box Elder County. My current home is in Marble Hill Estates. Our family has owned or farmed extensively in Bothwell and the Bothwell Pocket most of our lives.

For a time when I was a small child my folks lived in the A.L. Cook home located on the "Church Farm". When the farm was purchased by the Farm Services Organization, Dad continued to farm this property. Dad farmed the property for many years until the closing of the sugar factory and raising cost of productions on grain and hay made farming this property unprofitable.

Chanshare, Inc. is a family farming company established in 1979 for the purpose, among other things, of owning and operating property in the Bothwell Pocket. We own and/or lease approximately 2200 acres; the majority of which is located in the area being discussed.

OPPOSITION TO THE RR-5 ZONING

While some of those whom I represent do not want any zoning whatsoever and others feel that zoning should be considered for the area, all are in agreement that RR-5 is the worst possible choice for the following reasons:

1. Most of the property in question is currently being utilized for agricultural purposes; this may not be the "highest or best" use of the property.
  - Farming per se is a tough business. Declining farm populations, falling commodity prices, private political agendas, and a nation that has accepted the mandate of "cheap food" prices for its citizens have kept commodity prices artificially low. In our own valley long time "farm families" being forced out of the occupation they love.

- High tech/input farming on the sandy soils in the "Pocket" requires even more focus than the "flood irrigated" clay soils below 12800 North. Additional infrastructure cost of wells, mainlines, and irrigation equipment coupled with additional costs of lifting water from 150 to 300 feet and pressurizing watering systems substantially increase the cost of production. Originally dry land wheat farms dominated the area. Most of the soil in the area is sandy loam to very sandy. Water retention is very low. Yields traditionally have been very low.
  - With the placement of the power lines along the "gully road", which now is a greatly improved county road know as 10800 West, most land has become irrigated. This has not proven to be highly successful. Sprinkler irrigation of property with heavier soils south of 12800 North has proven profitable and successful. But the "jury is still out" on the other property in the area. Those who are "dry farming" may well still have it right. Numerous attempts at onions and potatoes to date have proven unsuccessful.
  - Chanshare Farms has focused on turf grass production since 1979. This unconventional agriculture practice has allowed our family to stay in agriculture but not in the traditional cense of the word. The input costs on the property above 12800 North are much higher than the input costs on our other properties causing us to question the "highest and best" use of this property.
2. Water rights allocation and the configuration of infrastructure (power, telephone, roads) but most importantly water, in the development and maintenance of five acre tracts are financially impractical.
- Shallow domestic well will not produce enough flow to maintain a five acre tract in the "Pocket". A permitted domestic well cannot produce enough capacity to properly care for a five acre parcel. Even if one were to attempt to do so the cost would be prohibitive. Current home owners along 12800 N. are experiencing high levels of salts and other minerals causing many landscape plants to die.
  - Water provided by the Bear Rive Water Conservancy District is high quality but development of infrastructure to five acre parcels is not cost effective. Secondary water could be developed for irrigation purposes at a much lower cost but again five acre parcels make this financially impractical.
  - Development of other infrastructure is financially impractical with five acre parcels.
3. Bothwell is a very desirable place to live and I do not want to offend any one but I will contend that the revised RR-5 zone in Bothwell is proving problematic:
- Roads continue to fall into a state of poor repair. The State maintained roads in the area are well maintained but the other roads are marginal especially 10800 West. At one time Bothwell considered becoming a town but the citizens soon realized that they could not support this type of government. Therefore the county has been and continues to be responsible for the roads. The county has no funds to improve let alone widen the roads, a special improvement district would fail because of the high cost to each property owner; and lastly county right of way width, placement of electrical polls, placement of water lines, placement of telephone lines would make road improvement very costly.

- Citizen safety is as at risk. The roads in Bothwell were adequate for the pioneers of the area however current vehicle size, the size of tractors, trucks and farm implement/machinery have all widened. On any given day one cannot safely drive the roads of Bothwell without fear of encountering a large truck or farm implement.
  - The potable water system is inadequate for the current population let alone for future growth and is being maintained to keep others from locating in the area; yet many local citizens have found a way "around the system to allow family members to hook on to their lines because other tapes are not available. Prior proponents of the 5 acre zoning now find themselves in this situation. Bothwell is clearly known for having the worst tasting water in Box Elder County.
  - Septic sewer systems are the norm and have been since the beginning of indoor plumbing. Every year at great expense to effected citizens numerous private septic systems are being replace. These systems may be adequate for the present but one has to wonder how these systems will work 100 years from now. Which opens the discussion of how wastewater for the entire area should be handled in the future.
  - At some point Bothwell infrastructure will need to be upgraded for the health and welfare of the citizenry. Funding available from state or federal sources is generally very competitive with future development being the driving criterion. Farm income can not support participation in infrastructure improvement. Who is going to take the lead? Who will pay the bill?
4. Protectionism is not a reason to enact RR-5 zoning in the Bothwell Pocket
- Those who founded Bothwell had a vision of the future. They donated their time, their wagons, their horses and materials to establish a fine place to live. They welcomed new comers to the area and helped whenever someone was in trouble. They were unselfish with their time and their means.
  - Protectionism is not new to the United States. It has been debated from the beginning of this country and will continue to be debated far after we are all gone. When and should we ever close the gate? Many involved in this debate were not the original citizens of Bothwell. I ask you what if the gate had been closed prior to your arrival? At least one of the signers of Application 5503-09 would not involved and many of the supporters would not be in the room. Fear is a terrible thing. Working together for the future is a better solution.
5. While it is desirable to plan for the future and "Land Use Planning" is currently in vogue in Box Elder County. It may not be so in the future.  
Great care should be taken as we go forward:
- "Buy in" by all the citizens is very important.
  - The current process should be reviewed to insure that changes can be made in the future.
  - Reckless land plans in other areas have lead to law suites against private citizens, county planners and planning commissions. Citizens unable to develop their property as they have desired have sued these groups because of devaluation of their property because of the zoning or zoning administration.
  - When the code is not administered equitably the county could be held liable.

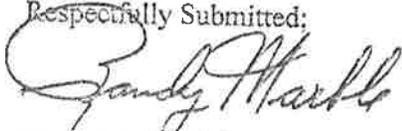
Summary

We have invested our lifetime farming in the pocket with the vision of being able to utilize the property in a way that would protect our quality of life while planning for the future. We do not want to keep others from utilizing their property as they wish but are greatly offended by the idea of others imposing their will upon us. As my father Boyd S. Marble put it yesterday: "We do not want to dictate to others how they use their property but we will not be shackled with their desires to control our future."

We submit that it is time for this generation to step forward and leave a lasting legacy for future generations.

- A comprehensive water plan should be developed by all the citizens west of Salt Creek to the western hills and from the Bothwell pocket to the Bird Refuge.
- A Comprehensive sewer district should be explored for the same area mentioned above.
- We believe that the current application before the commission is ill conceived and ill advised. We support the staff recommendation and encourage the commission to involve interested parties from both sides of the debate to participate.

Respectfully Submitted:



Randall B. Marble  
Secretary - Treasure  
Chanshare Inc.

**ATTACHMENT "C"**

Darrell D. Woodward Trust  
2894 Oakridge Drive  
Salt Lake City, Utah 84109  
Tel: (801) 272-2616

August 25, 2003

Box Elder Planning Commission  
01 South Main Street  
Brigham City, Utah 84302

Ref: Krys Oyler rezone application #SS0309. Bothwell Pocket area from about 12800 N. including sections 21, 22, 23, 26, 27, 28, part of section 14 west of I-84, sections 9 and 10 west of I-84.

Dear Sirs:

I own approximately five (5) acres of land west of I-84 in Section 25 Township 12 N. Range 4- W S. L. B. & M. registered in Book 6 page 175. This property is located east of 16000 West (County Road) and west of the frontage road (county road) and west of the I-84 Interstate. My property is also dissected by a county road running east and west onto an overpass on I-84 that leads to the old Box Elder County dumpsite.

This property is landlocked on three sides by county, state, and federal road systems. It is not suitable for farming because it is too small and has no water and can only be suitable for possibly housing or small businesses.

Since it lies adjacent to the petition application #SS0309 by these petitioners to limit RR-5 (5 acres minimum lot size) I am vehemently opposed to this zoning change. The county road splits my property into 2 separate parcels; one approximately 2 acres and the other approximately 3 acres. Other properties in the Bothwell area, namely the housing development on the West Hills going to Thiokol, are zoned 1/2 acre.

I would not oppose a zoning change to RR-1 (1 acre minimum lot size) on my property or an RR-5 change beginning north of the current housing units at approximately 18000 north (this land currently has no housing units north of the sod farms which is south of the existing county road) but I do oppose RR-5 zoning on the property south of approximately 18000 north.

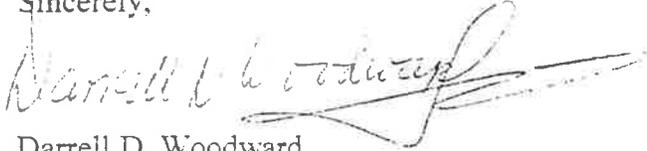
Box Elder County and particularly the Bothwell area needs new housing areas to allow new growth and a higher tax base rather than keeping it completely agriculture in nature as some old timers would like to see. The face of the area is changing; gone are the sweet pea fields and canneries; gone are the sugar beet fields and the sugar processing factories from Cache Valley to West Jordan and in between.

New blood and new and different businesses are coming to our area. The need for affordable housing, schools and churches is evident now and for the future. Zoning RR-5 throughout the

area will deter new growth incentives as the cost of these lots would average \$50,000 or more for five acres.

I was at the scheduled July 17<sup>th</sup> meeting where no quorum was present. The meeting was cancelled and rescheduled for August 21<sup>st</sup> that I planned to attend and voice my views and concerns. It was changed due to the County Fair. I am unable to attend on August 28<sup>th</sup> so I voice my concern via letter. I hope to personally be at any further planning meetings on this subject.

Sincerely,



Darrell D. Woodward  
Trustee

Enclosures: Plat map Sec. 25- TN 12N Range 4W  
Box Elder County Report of Planning Staff Review, July 17, 2003

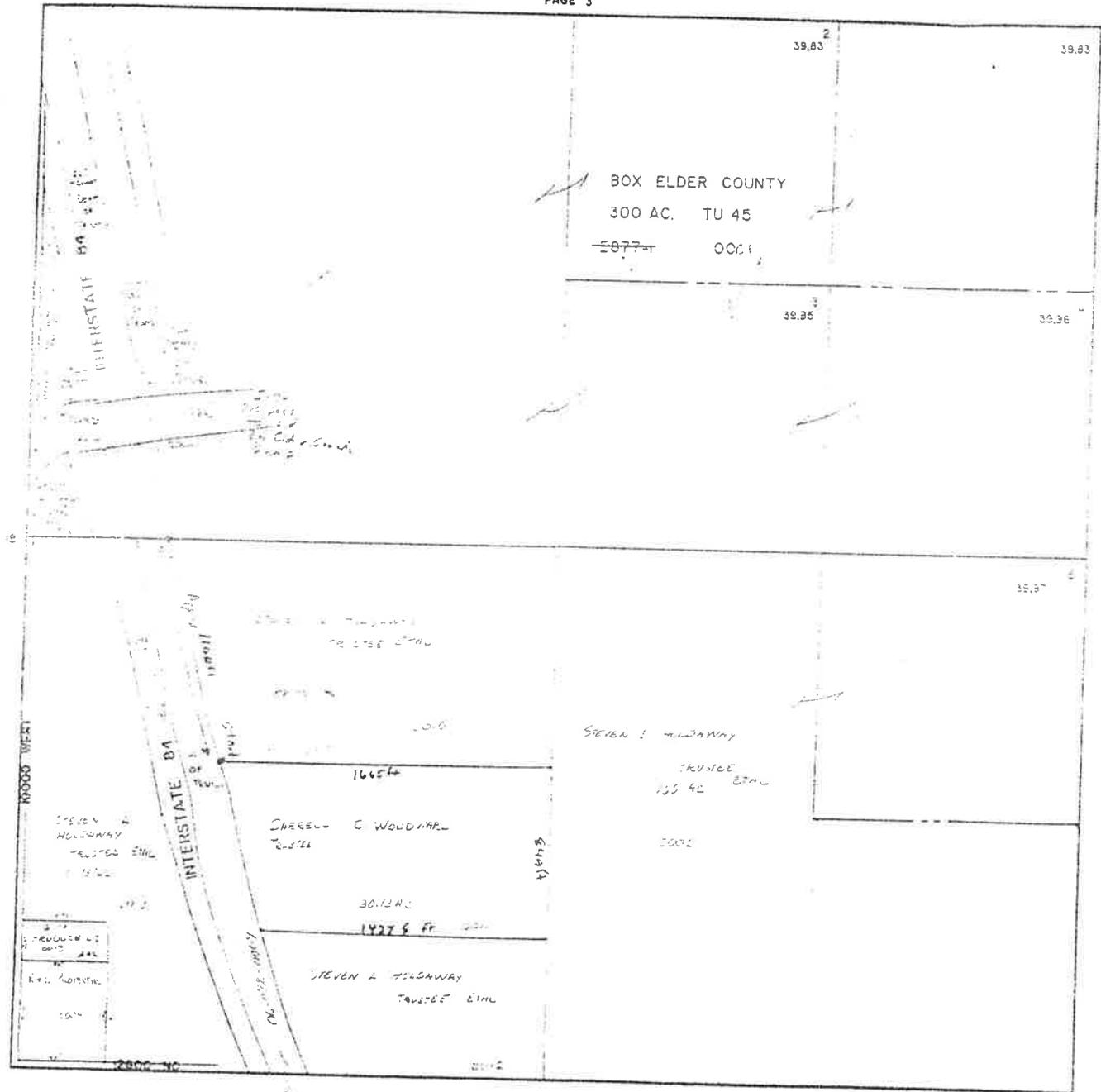
SECTION 25 TOWNSHIP 12N RANGE 4W S.L.B.&M.

Book 6 Page 175

SCALE 1" = 400'

PREFIX 06-175 TAX UNIT 01 28

PAGE 3



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THIS PLAN IS A FIELD PLAN ONLY  
AND NO LIABILITY IS ASSUMED IN  
FOR ACCURACY OR VARIATIONS  
WITH THE ACTUAL SURVEY.

1977  
L. A. B. M. (S. L. B. & M.)