

NEW BUSINESS

GORDON SLEEMAN (CONSTRUCTION) 14 LOT SUBDIVISION, LOCATED AT OR ABOUT 7935 SOUTH HWY 89 IN THE SOUTH WILLARD AREA.

This fourteen lot subdivision is located in an area of the County that is currently zoned R-1-20. The project was being brought before the Planning Commission in its conceptual stage. Prior to granting preliminary approval for the project it needs to be reviewed by the South Willard Water Company, Willard Flood Control, and documentation from UDOT granting access to the subdivision. Staff stated that since all of the lots within this proposed subdivision have more than the 120 feet of frontage on each lot, no curb and gutter is required. Staff reported that the petition appeared to generally be in accordance with the existing subdivision ordinances and Zoning Requirement for the concept stage. The following recommendations were made by the Staff regarding the necessary documentation for preliminary approval at the next meeting of the Planning Commission:

- * UDOT allowing access from US HWY 89
- * South Willard Water Company review and approval
- * South Willard Flood Control review
- * Bear River Health Department review (for septic tanks)
- * Verification from utilities for service to subdivision

Also, the property is located within the vicinity of an agricultural protection area and must be noted as such on the final plat. Staff recommended that the Planning Commission accept the Gordon Sleeman Subdivision for review and requested that a Preliminary Plat be submitted with the above items prior to approval at the preliminary stage. (The subdivision will probably be given another name other than "Gordon Sleeman".)

MOTION: A Motion was made by **Commissioner Clark Davis** to accept the Gordon Sleeman 14-Lot Subdivision for review and authorize the developer to submit a plat map for preliminary approval. The Motion was seconded by **Commissioner Richard Day** and passed unanimously.

JOHN UDY FIVE-LOT SUBDIVISION, LOCATED AT OR ABOUT 17600 NORTH 6000 WEST, NORTHWEST OF FIELDING.

This five-lot subdivision is located in an area of the County that is currently un-zoned. The petitioner has provided verification of utilities with water being supplied by the Riverside North Garland Water Company. Each of the five lots are at least one half acre. As lot five is long and narrow, the proposed location of the septic tank had been noted on the preliminary plat map. The Highline Pump Ditch runs along the back of these lots and there is a eight foot easement to the east and twelve feet easement to the west of the ditch. Staff also stated that an additional ten foot easement has been included on the inside of each of the five proposed lots, which should allow for adequate room to maintain the ditch. As the petition appeared to be in accordance with the existing subdivision ordinances and Zoning Requirements, Staff recommended granting preliminary and final approval at this time.

MOTION: A Motion was made by **Commissioner Jon Thompson** to recommend **Preliminary and Final** approval of the John Udy Five-Lot Subdivision and submit to the Chairman for his signature. The Motion was seconded by **Commissioner David Tea** and passed unanimously.

THE DEER RIDGE SUBDIVISION (32-LOT CONCEPTUAL REVIEW), LOCATED AT OR ABOUT 7900 SOUTH HWY 89 IN THE SOUTH WILLARD AREA.

The Deer Ridge Subdivision is located in an area of the County that is currently zoned R-1-20. This 32-Lot subdivision is being submitted for its conceptual review. The project has yet to be reviewed by the South Willard Water Company, the Willard Food Control, or UDOT at this time. To the south of this subdivision is the Twin Falls Subdivision and there is a connecting road that will join the two together. This development will probably be divided into three phases. As the petition appeared to be in accordance with the existing subdivision ordinances and Zoning Requirement for conceptual review, Staff made the following recommendations subject to granting preliminary approval. Documentation from the following:

- * UDOT allowing access from US HWY 89
- * South Willard Water Company review and approval
- * South Willard Flood Control review
- * Bear River Health Department review (for septic tanks)
- * Verification from utilities for service to subdivision

MOTION: A Motion was made by **Commissioner Richard Day** to accept the Deer Ridge Subdivision for review and authorize the developer to submit a preliminary plat for Phase I of the development. The Motion was seconded by **Commissioner Ann Holmgren Jensen** and passed unanimously.

UNFINISHED BUSINESS -- NONE

The business of the Planning Commission was concluded at 6:33 p.m. and **Chairman Richard Kimber** called for a fifteen to twenty minute break before reconvening and beginning the Public Hearing.

WORKING REPORTS

BOTHWELL PUBLIC HEARING (7:00 P.M.)

Chairman Richard Kimber reconvened the meeting at 7:03 p.m. to proceed with the scheduled Public Hearing regarding the Bothwell Community Plan. Mr. Garth Day presented the PowerPoint Presentation, which had been prepared to outline the background issues the Bothwell Community Planning Committee had been dealing with regarding zoning for the area commonly known as the Bothwell Pocket. Staff also referred to the members of the Bothwell community, which made up the Bothwell Community Planning Committee. They were: *Reese Anderson* (not present), *James Bingham*, *Jill Christensen*, *Roger Fridal*, *Krys Oyler*, *Kitty Summers*, *Randy Marble*, *Tamera Newman*, and *Lynn Rindlisbacher* (also not present at beginning of Public Hearing). At the

Page 3 of 12

conclusion of the PowerPoint presentation the time was turned over to the two (appointed) spokespersons for the minority (*Randy Marble*) and majority (*James Bingham*) of the proposed zoning for the "Pocket." (A copy of the Bothwell Community Plan Background Report is included with the Official Minutes.) Staff also stated the process by which the zoning would be approved. **No decision** would be made by the Planning Commission at this meeting and may not be made at the next meeting (October 21, 2004 at 7:00 p.m.) depending on what input was received from the public.

"The next steps after tonight, the advisory committee may make additional changes. That happened when we did our West Corinne Plan; once the public came out and viewed it, they had some concerns, sent it back to the Committee and they can make changes and submit their recommendations up to the Planning Commission. The Planning Commission will determine whether or not they wish to make changes to what's been recommended to the plan. The Planning Commission is also here to hear your input; so based on what the advisory committee says, the Planning Commission has that option. Once both of those steps have been completed, the County Commission, the three member County Commission, makes the final decision and will pass an ordinance adopting the zoning or not, depending on the outcome of all the input." Staff explained.

Staff went on to explain the zoning on the maps that were present for review at the meeting, noting the various designations. The Committee's recommendation was that everything east of 12800 North be zoned as RR-3 [rural residential/three-acre minimum]; the west side of 12800 North be zoned as A-20 [agricultural 20 acre]. In the future a piece west of 10800 could be re-zoned to as low as RR-3. The minority report was that a portion north of 12800 North and east of 10800 [an eighty acre parcel] would be zoned as RR-1 [rural residential one-acre lots]. This request having come from the landowner.) At the conclusion of staff's presentation the time was turned over to *Mr. Randy Marble* to outline the minority report.

RANDY MARBLE: "The issues of planning for the future are hugely important. As you look at how Bothwell has developed, who came to Bothwell, how they got here, how the roads were developed, the Bothwell community has been one that has been actively involved in developing our own roads and our own water... and sewage basically has been left to that of septic systems. One of the concerns that had been addressed at length is the issue of traffic on 10800 West. There is a great deal of traffic on the road now and the continued use of that road and the as population density on the north end of the community continues to increase ... part of the emphasis ... it's been the case of the minority report that if 10800 North were developed to a paved road that much of the traffic out of the Bothwell Pocket area would exit to the frontage road and from the frontage road to the freeway as is currently the case. Most of the folks that live in the Pocket do not come down to 10800 West in order to go to Tremonton. We've had two rollover accidents on 10800 West in the last two years because of the wash boarding on that road. We have an agri-business of approximately thirty trucks a day that go up that road, so we believe that a future plan should include that. As to the issue of five acres versus one acre, we believe that it is a matter of personal property rights. We would fight for the rights of anyone below 12800 North to do with their property what they would like to do. On the other hand to be dictated to that we should be mandated to do what south of 12800 North should do, we do not believe that should be the case. One of the things that we received as a committee was the soil types of Bothwell below the High Line Canal and it is generally felt that five acres below the High Line Canal is an adequate zoning

because ... by the time you put a well on and a septic system, the soil types would not accommodate future development much over that. However the soil types up in the Bothwell Pocket will accommodate sewage systems. One of the decision parts that we had was whether or not there is enough water for infrastructure in the Pocket to accommodate future development. We maintain that water, septic systems, electrical systems, gas systems [propane] and telephone systems are all in place for future development. The Pocket has already seen the impact on development...we've got five-acre lots coming off of 12800 North and west of 10800 West. Already there are four lots in there that have been developed to five acre. The three-acre slots up to Manning Peaks ... there's continued development as well as south of 12800 on the road that comes down from Manning Peaks. Mr. Rindlisbacher is not here; I would have liked him to be here to make his case for why he believes that his RR-1 should be granted at this time; but in his absence I would make his case that he filed a petition prior to zoning being put in place, which allowed him the opportunity to develop. We did not have rules in place at the time; he did file it under the rules at the time. To my knowledge and speaking with him this afternoon, he believes he's followed the planning process that was in place at the time. When you're looking at options, we're not just talking the bottom option being an RR-1. Eighth acre lots, quarter acre lots, half acre lots are all being developed in other areas of Utah. In our business we deliver to all those types of developments, and we find that the developments that have smaller lot sizes are better taken care of. The larger the lot size, bigger than the five-acre lot size, they're not taken care of. They turn into automobile stack yards, they turn into weed habitation and it is very difficult for people to take care of a five-acre parcel. In the Bothwell Pocket, the way that it is constructed right now if you were to put a home up there, there is not enough in a twenty-five gallon per minute well to be able to irrigate five acres. There just isn't enough water there; and so secondary water system for any large development in the future would have to be developed. On the other hand . . . so what that says is that a five-acre parcel you have twenty-five gallons per minute, you're not going to be able to water and put in landscaping and take care of it in any degree of efficiency any kind of agriculture. The water rights in the Bothwell Pocket are largely held by the Bear River Water Conservancy District and individual well owners. The LDS Church has a section of ground in the Pocket, which of course they will not take a position on. The BRWCD is leased by Chanshare Farms, our company and basically in the [green] area that we are talking about, roughly half of the ground what is being proposed as A-20 and/or RR-3 we have standing on, which means we have an opportunity to voice our opinion on what should happen on that ground. Really the position, I'll speak to the position of Chanshare's position on the eighty acres that we own, our corporate minutes from the very beginning has shown that we wanted to hold that well to farm as long as we could and at some future date we wanted to develop it. To us it is really an issue of personal property rights. And that is why we requested an RR-3 at this time with the future of going to RR-1. We love agriculture, we've fought for agriculture, we believe that people in agriculture ought to have the right to farm. We want the right to farm. On the other hand, we do not like to be locked into a plan that will not let us utilize our property in a meaningful way in the future, either as an exit strategy from agriculture or to maximize the efficiency in the use of the land. From a public safety standpoint, we believe that a road to the Pocket ought to be developed. There has been an issue in the Committee about why taxpayer dollars should be used to improve those roads. I will point out to everyone present that when the founding fathers came into Bothwell, they used their horses and wagons to haul the gravel out of the gravel pits on both the east side of the valley and the west side of the valley to build those roads. And they were built at great personal expense. The county brought in a crusher and crushed the stone, but the hauling and establishment of the roads, 10800 West specifically was built with gravel out of those pits. Basically, public safety is an issue here; future development is an issue here; we believe that RR-3, while it's a compromise, while the person at this particular time ... there's really an issue between five

and one and that's three and that's how we compromised. One thing that we tried to develop is that people can have a difference of opinion and still be friends ... I think that is important and if we can't live in a society where we have differences of opinions, then that is a sad day. The folks that moved into Bothwell since my grandfather moved in, many of which are on the Committee, were welcomed into the community and the arms were opened wide to receive them. I do believe that's the way it ought to be going forward, there is a lot to be learned by the good people in Bothwell, and I think that they ought to have an opportunity to choose to live within the zoning restriction that we're proposing here. Thank you."

JAMES BINGHAM: "This was not altogether a pleasant assignment to be on this Committee because we recognized that it pits us against some of our neighbors and friends because we take different points of view ... but we're still going to invite Randy to the family reunion. The issue of property rights ... the law gives the State the right to declare Imminent Domain ... we have zoning issues and those things are fairly well established rights, exercised by the State to determine property usage. Property rights aren't absolute. If property rights are absolute, then anyone can do anything with their property. Now the reason that we don't recognize that right is that we would have hog farms next to hospitals, we would have industrial complexes next to residential zoning areas. And the reason that's wrong is because it begins to impact, and influence adjoining property rights and their capacity to use their property as they choose. So the whole purpose of zone is to place property in areas of compatible usage, so that one property right doesn't begin to infringe and abridge the adjoining property rights to lump property together in compatible usage. Governments, I might also mention, have the right to abate. They can tell you what you can do with your property in the sense that they have the right to abate, or remove hazards or nuisances. So government has the recognized right to influence how property is used in our society. The whole concept of zoning is that one person's utilization of his or her property may disadvantage or circumscribe the neighbor's right to use his or her property as they wish. As a result we don't put steel mills next to residential neighborhoods; compatible usages is the key to understanding this. In 1977, and I should point out, that the city of Bothwell made a decision to adopt the RR-5 designation. The Committee has decided that we would not change the existing RR-5 designation for the majority of Bothwell. But it's important to look at the implications of that. Our decision in adopting or encouraging the adoption of the RR-5 or an RR-3 zone is not anti-zoning or an anti-development position. We counted and looked at the homes that have been built in Bothwell since the imposing of the RR-5 zone and there have been thirty-eight new homes built that conform to the RR-5 designation. Five additional homes were built on lots where previous homes were torn down. So one of the points that I want to make about the RR-5 designation is that it is not anti-development, but what it does is it slows down the pace of development and, equally important, it fuses that development throughout the community, so you don't have pockets of heavy traffic or pockets of where you have issues of sewage or other things that concentrated residential developments bring with them. The focus of our efforts then, have been on the upper part of the Pocket. In 1977 when Bothwell adopted the RR-5 designation there were no services – there were no paved roads, there were no ... with the exception of electrical service to deep irrigation wells, the only services were gravel roads no natural gas, no telephone to speak of. Even now there are only, in this area that we calculate to be about 2000-3000 acres, there are only seven homes, which is a highly defused residential pattern. Because of the absence of services, this area was never considered by the original zoning proposal because residential development in that area was not likely or immediate possibility. Now it is an immediate possibility and I would like to just address the one issue. Mr. Rindlisbacher filed a petition with the County for a residential subdivision. The County then said 'we don't know what we should do because we have no zoning, we haven't look at whether this is something that would be beneficial or

disadvantageous.' What we are doing here tonight is part of that process by which the County is going to make a decision about whether this is advantageous and should be approved or disadvantageous and should be disapproved. I would reject the idea that Mr. Rindlisbacher's rights have been abused. He has the same right that everyone else has. We own property in this area also, so what we're doing is part of the process to decide and we're serving the right of our community to make a decision about what the demographic profile of our community will be in the future. One of the other points I want to make is ... the proposal would concentrate I think, I'm sure ... Garth, how many homes in the eighty acre parcel? How many homes are proposed for the eighty-acre parcel in the RR-1? [*GARTH DAY 'Somewhere around sixty.'*] Now the point I want to make is this, we have seven homes on two to three thousand acres now. So we're now proposing to allow a development where we'd have fifty-seven homes on eighty acres. The point is that this kind of concentrated residential development would occur not on the periphery of the agricultural area but right smack dab in the middle of the agricultural area, and would involve substantial disadvantages to all the agricultural producers in the area. Agriculture ... when this kind of residential development happens, two or three things happen. The first one is that agriculture is frozen into existing usages. When those people say that they have the right to do with their property what they choose, I would ask them this question. Do I have the right, where we adjoin this proposed development, do I then also have the right to put a dairy, like a five hundred cow dairy next door? What do you think the possibility of me having that right would be after the residential development was in place? It would not happen. The point I would make is, once this thing happens, existing agricultural operations are frozen into existing usages and you cannot, for the most part, change. It limits your options with regard to livestock and other things. To remain viable, agricultural operations must constantly change and adjust and evolve like any other economic endeavor. When you place a concentrated residential development right next to, or right in the middle of an agricultural area, it largely pre-empts those rights and limits the ability of agriculture to change and adjust. Government has recognized that this is a problem. The legislature has passed agricultural protection zones, where you can enroll your property in an agricultural protection zone and that's helpful, but for the most part I don't think it addresses a lot of the issues. If you bring large numbers of people into an area who don't have a clue what's involved in agriculture, into an area where agriculture pursuits are predominate, for the most part you're going to have problems. You're going to have problems with animal smells, equipment usage, hours of farming operation, nuisance complaints like smoke, dust. I had one neighbor who has told me that the police have actually followed him into the field at night and told him that he couldn't bale at night because of complaints. We have a problem on one of our properties west of Tremonton where we have obstruction of water containment systems; ditches where a minority decided to put a ditch, or a fence down the middle of the ditch. We've had problems with people turning head gates on and off. On one of the canal systems we had someone turn the head gate on and flood someone's basement. These are the kinds of things; sometimes we have issues of vandalism of equipment; we have problems of moving oversized agriculture equipment on congested roads and those kinds of things. We've dealt, for the most part, with these things over the years, but two or three things ... one of the issues that is becoming more and more predominant, and I've made this statement and I hope that I won't offend any of you, but I'm going to make it anyway, and that is with regard to liability issues the law has largely become a fool. Liability issues, if someone were to run into your tractor on the road or someone were to hit your cow, or something like that ... I remember talking to a man who farms down in Layton and he said they have a reservoir they put water into the reservoir at night; in the day when they're up and around, they pump water out of it. The kids in that neighborhood were drawn to that reservoir like a magnet; someone, one day tried to shoo them off, they put up 'no trespassing' signs up; they didn't do any good. One day a boy rolled over on an ATV and was killed on the property. He said '*we were lucky, we*

could have had a lawsuit, we could have lost everything we had taken a lifetime to build on one issue, even though we didn't necessarily perceive it to be our fault. We had done everything we could to keep them away.' That's one of the issues, and it's a big issue for agriculture ... for us. We have an agricultural zone designation on the books with Box Elder County. If that is a viable option where is a more likely place for the option to be employed than in an area ... an area where we have seven homes on two to three thousand acres of agricultural land? If it doesn't work here, where would it work? It seems to me, and the Committee that this is the option that we ought to choose. This is tailor made situation for that kind of rule. I want to talk about farming. One of the things that we feel as a Committee, of which the majority of the opinion of the Committee is, that we ought to have some uniformity in the rules that we adopt. We don't make a distinction about which cars need to stop at Stop signs and which cars need to obey the speed limit. The point is, that if we adopt a uniform rule then everyone is operating under the same constraints. If we adopt a situation where we have, where we pick and choose property parcels and apply them to different zoning designations, what do you think the effect of the zoning rule will be? It will be almost negligible, and we have made the point that if you can't vote to zone it all then don't vote to zone any of it, because what the government, the County government would essentially be a position of doing is saying that you can develop your's for residential property, the next guy cannot, and you have to farm forever with all these homes next door, enjoy the hassle and the difficulties that it imposes upon you, but you can't ever develop. We think that the rules have to be uniform for everyone, that way no one can complain that they are unfairly treated and the next guy isn't. The plan lacks consistency. It also lacks viability. We are not in the position as farmers of providing open space for adjacent housing developments. We are an economic endeavor; these kinds of things have an impact on our viability. One more thing; one of the things that we did ask, we would like the County Planning and Zoning Committee to take a look at one of the issues that is related to this thing. One of the reasons that developers come into rural areas to buy land is because they can buy land cheaper in rural area than they can in areas that are adjacent to cities. And the reason for that is that services are already available to land areas that are adjacent to cities. They already have the roads, the sewers, the water, the electricity, the natural gas. Because of that, because of the likelihood of development, that land is more expensive. One of the reasons that they come out to the rural area to develop is the land is cheap. And it's cheap because there are no services available there. The services, one of the great inequities in development is essentially you privatize the benefits and the rewards, but you socialize the costs. Who then would be in a position of providing services to these, what I call non-contiguous developments? Lee Allen once told me that it costs a million dollars a mile to build a paved road. The question here is, the law requires Mr. Rindlisbacher on this proposed development to pave his frontage, which is about a quarter mile. But who's going to pay the cost to bring the paved road to his paved frontage? And it's likely the taxpayer, and that's one of the points that I want to make. We need to have in place a system where if developers go into rural areas a lot of these proposals would disappear if they were themselves forced to bear the cost of these proposals. But if they can socialize the cost among the community or the County then there is a substantial economic enticement for them to come into rural areas for the development proposals. So that's, I think the points that I will make. Thank you Mr. Chairman."

At this point in the Public Hearing, **Chairman Richard Kimber** opened the floor for those present to come forth and voice their comments, as the purpose of the Planning Commission is to gather information. **Chairman Kimber** stated again that the Planning Commission would not make a decision at tonight's meeting and probably not at its next meeting, which is scheduled for October 21, 2004. The following citizens came forth with comments regarding the proposed zoning and plan for the Bothwell Pocket.

STEVE ZOLLINGER: Third generation farmer from the Bothwell/Thatcher area and have ground in both areas. He quoted from a written paper, which stated that the State of Utah has an approximate landmass of about four percent, which is farmable, which is a very small percentage of the state. It also stated that Utah ranks fourth in the nation for growth and development. As this growth continues the issue of septic tanks, water, our resource issues become very important and vital, not only to the farm ground but for usable water. On the drought years the farmers have had to cut back on their farmable ground. Farmers, for the most part, don't develop the ground, but when they need to sell their property it is the developers that come in and buy up the land to develop. Encouraged by the committee's plan in working toward developing a plan for the Bothwell Pocket. Would hope to control growth in the Pocket and maintain the history of the area. A five-acre zone is essential to spread the growth in the area. Would encourage the Commissioners to zone the Pocket for five-acres

BUSTER MARBLE: Zoning would greatly affect his family. Was concerned that the next step would be that people would then be told what type of home they could put on the property and what they could do with their property. He also has five acres and wondered what he could do with it. Stated that whatever zoning is put into place, to make sure that there are no loopholes for people to be able to get around the regulations.

GARTH DAY: *Zoning would regulate what could be done with the property, meaning that a dairy farm could not be put on three acres, but the size of the house that a person wanted to build could not be regulated as long as it would fit on the property with the necessary front, back, and side footages.*

RICHARD NICHOLAS: Realize that this has been a touchy subject, but did not believe that Mr. Rindlisbacher broke any laws or did anything wrong. Wondered what the laboring has been over during this past year that the Committee has been meeting when the majority of the community is in favor of the five-acre zoning. Challenged anyone to find an area in the county where development has occurred and the rural setting has also remained. Did not believe that it was possible. Believed that it would be a true inequity to zone one part of the Pocket to three or one acre while the south end is zoned as five-acre. This would allow one half of the community to develop their property at a different rate than the other half. In favor of the five-acre zoning.

SCOTT NEWMAN: Concerned over the fact that a year ago he was assured that the County would not be taking any property to widen the roads and shortly thereafter the County trucks were there in front of his home to dig through his field to work on the roads. Wants the truth from the Commissioners.

JILL CHRISTENSEN: Most of the committee members begrudgingly agreed to the three-acre zoning because they did not want one-acre. Encouraged the citizens to state whether or not they were in favor of the five-acre zoning proposal.

SEAN HOSKINS: Came to Bothwell because of the open spaces; enjoys riding his motorcycle or horse and being able to shoot his gun and development will bring those activities to an end. Vote for five-acres.

TIFFANY SUMMERS: A stay-at-home mom. Moved to Bothwell from American Fork in order to raise family around family and in a rural area. Extended family members are farmers and cattle ranchers and allowing building lots for development smaller than five-acres would threaten the life-style and livelihood of those Bothwell. Growth will happen in Bothwell, but it needs to be carefully controlled and spread-out. Five-acre zoning would allow property owners to sell when they choose and still maintain the rural atmosphere.

BARBARA NELSON: Doesn't want to see housetops when coming off the freeway and concerned about the traffic that is already on 10800 West.

VAL LEWIS: Supports the five-acre zoning.

TRACY HOSKINS: Supports the five-acre zone.

LEE SUMMERS: Fourth generation farmer and has two generations that will follow in the farming the land. This is a poor excuse to put a development in an area where it is favorable for farming. Do people want sewer water and household chemicals getting back into the aquifer? Bothwell Pocket is surrounded by three mountains, and the waterways come right through the proposed subdivision and would cause flooding. Want to live in harmony and the five-acre zone to the south has worked well and is in favor of remaining area be zoned as the same.

SCOTT NEWMAN: In favor of the five-acres.

ROGER NEWMAN: All for five-acres.

KIM RINDLISHBACHER: All for five-acres for those that want five-acres on their property. The purpose of zoning laws is to protect property values. What is being purposed would not destroy property values, but would add to the value. He farms in Salt Lake County and it can be a little difficult, but the farmers in Salt Lake County are very wealthy because of the value of their land in that county. Regarding the flooding in the area, there are ways that it can be handled, not really an issue. Development can be done around them. Five-acre lots can flood just as easily as one-acre lots. The property that is being proposed for development is not good for farming because of the soil type. (As not raised a profitable crop in twenty years). If everybody wants to maintain open space they are more than welcome to buy the property from the Rindlisbacher's. Have as much right to do what they want with their property as do the other landowners in the area. They want to plant houses.

DON ANDERSON: Moved to Bothwell because of the five-acre zoning. There are already plenty of places where people can move where they can get a half-acre. In favor of the five-acre zoning.

KATHY CALL: Lives on 10800 West and concerned about the septic tanks in the area where there are families with wells. In favor of the five-acre.

SHANE NEWMAN: In favor of the five-acres.

LU ANN OYLER: Definitely for the five-acres. Choose to come to Bothwell for the open area, but has complained sometimes about the cow smell and smoke coming into her house, but they choose to live there and have dealt with those issues.

ARLENE FIRTH: Family is for the five-acres. Don't want others infringing on their rights.

LA MONTE NELSON: On the committee that zoned the area back in 1970s and thought that all of the area was zoned at that time. In favor of the five-acres.

DELON STOKES: Water runs down hill and always will and will affect the existing houses in the area. For the five-acres.

TREASA ?: Grateful to live in the area and not be able to see into the windows of a neighbors home. What will happen when there aren't any more five-acre parcels left for family members to build on in the future.

LYNN RINDLISHBACHER: There are approximately 10600 acres in Bothwell that are being discussed and about 6400 acres are already zoned as five-acre lots. Can't understand why it all needs to be zoned as five-acres. Is only asking for eighty acres to be zoned as one-acre with the possibility of Chanshare Farm in the future going to the one-acre. The whole West Corinne has been zoned to half or one-acre parcels and there are farmers down there that are still farming their land. In all the places where his company has done developments they have not come to a town that has all one zoning in place. Every town has been well planned and has some commercial and industrial, etc. with public facilities. Not everyone can afford a five-acre lot. In favor of the one-acre lots on just the eighty acre parcel. Also feels that the three-acres would make it more affordable for people to buy rather than a five-acre parcel.

LAYNE SUMMERS: In favor of the five-acre for continuity.

COURTNEY ZOLLINGER: In favor of the five-acre zone.

DOUGLAS NEWMAN: Wants the five-acres.

KATIE BODILY: Owns thirteen acres on the 12800 North road and moved to Bothwell because of the five-acre zone. Recently had problem with the telephone lines in the area because the lines that are currently in the area are not sufficient to handle the load that is there now. Phone lines that are there are too old and not capable of handling the newer technology on the newer phones. Phone company told her that it didn't know what the service would be for new customers with existing equipment as it is now. Choices that are made will effect other people. In favor of the five-acre zone.

DAWN PETERSON: One of the newer residents of Bothwell and came because they could afford the land in Bothwell. Purchased eight acres because they didn't want neighbors right on top of them. In favor of the five-acres.

CANDICE LEWIS: In favor of the five-acres.

CITIZENS PRESENT

Shanne Munns/378 N 500 E; Brigham City
Floyd Eggli/11680 N 9000 W; Bothwell
Bea Eggli/11680 N 9000 W; Bothwell
Ron Andersen/8365 W 11200 N; Tremonton
Tamera Newman/11495 N 10800 W; Tremonton
Douglas Newman/11495 N 10800 W; Tremonton
Arlene Thurgood/11041 W 12800 N; Bothwell
Chris W. Thurgood/11041 W 12800 N; Bothwell
Cory Bodily/10975 W 12800 N; Bothwell
Katie T. Bodily/10975 W 12800 N; Bothwell
Val Lewis/12395 N 10800 W; Tremonton
Cynthia Lewis/12395 N 10800 W; Tremonton
Buster Marble/10800 W 12800 N; Tremonton
Scott Newman/11100 W 11200 N; Bothwell
Shawn & Tracy Hoskins/10045 W 12000 N;
Bothwell
Deon Hull/9730 W 11600 N; Tremonton
Brenda Sagers/11516 N 9200 W; Bothwell
Lee Summers/9660 W 11200 N; Bothwell
Don & Kim Anderson/10385 W 11600 N; Bothwell
DeLon & Karen Stokes/11590 N 10800 W;
Tremonton

Gary Christensen/11700 N 9200 W; Tremonton
Richard Nicholas/11845 N 10800 W; Tremonton
Jill. Christensen/11820 N 10000 W; Tremonton
Brian Freshwater/10165 W 13600 N; Bothwell
James Bingham/10010 W 11600 N; Bothwell
KC Farms/790 E Main; Tremonton
Roger Newman/10155 W 1200 N; Tremonton
Judy Newman/10155 W 12000 N; Tremonton
Trudy Oyler/664 N 2300 W; Tremonton
Candice Lewis/12395 N 10800 W; Tremonton
LouAnnOyler/11930 N 10000W; Tremonton
Glade Anderson/10130 N 11600 W; Tremonton
LaMont Nelson/11520 N 10800 W; Bothwell
Barbara Nelson/11520 N 10800 W; Bothwell
Layne & Tiffani Summers/11700 N 10000 W;
Bothwell
Steve & Courtney Zollinger/11145 N 10800 W;
Bothwell
Tamara Hed/10855 W 12800 N; Bothwell
Amy Hugie/Box Elder County Attorney

Chairman Richard Kimber acknowledged that this has been a very emotional issue for the citizens, and that there are very strong feelings. The Planning Commission now needs to take these comments along with other data that has been presented and get with the Committee and further discuss the issues and separate the fact from the emotion on the issue and determine what is best for the people of Bothwell and the people of Box Elder County. Not sure that there is any one clear-cut option at this point as not all of the residents of the Bothwell area and Pocket were present at this meeting. Expressed appreciation for the citizens attending and sharing their comments and concerns to the Planning Commissioners.

MOTION: A Motion was made by Commissioner Clark Davis to continue the Public Hearing and continue the dialogue with the Committee moving forward. The Public Hearing would continue at the next meeting of the Planning Commission on October 21, 2004 at 7:00 p.m. The motion was seconded by Commissioner David Tea and passed unanimously.

PUBLIC COMMENTS -- NONE

A Motion was made by Commissioner Clark Davis to adjourn the meeting at 8:47 p.m., seconded by Commissioner David Tea.

Passed and adopted in regular session this 21st day of October 2004.



Richard Kimber, Chairman
Box Elder County
Planning Commission