

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES OCTOBER 16, 2025

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The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

## *Roll Call*

Mellonee Wilding	Excused
Jed Pugsley	Vice-Chair
Lonnie Jensen	Member
Bonnie Robinson	Excused
Jared Holmgren	Member
Jennifer Jacobsen	Member
Brandon East	Member
Brian Bowen	Alternate/Member

## *the following Staff was present:*

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Anne Hansen	Deputy Co. Attorney
Boyd Bingham	Co. Commissioner
Diane Fuhrman	Executive Secretary

Vice-Chair Jed Pugsley called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Jared Holmgren.

Pledge was led by Commissioner Jed Pugsley.

## **The following citizens were present & signed the attendance sheet**

See Attachment No. 1 – Attendance Sheet.

The Minutes of the September 18, 2025 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Jennifer Jacobsen to approve the minutes as written. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

## **UNFINISHED BUSINESS - NONE**

## **PUBLIC HEARINGS**

Community Development Director Scott Lyons gave an overview of the two zoning map amendments on the agenda. Agenda item 6a addresses zoning in East Garland, 6b is a group of landowners from Snowville, Hansel Valley, Garland, and the Tremonton area who want to zone their property into the Agriculture Heritage Zone (AHZ). He spoke on why zoning is important and specifically about the Agriculture Heritage Zone, since thousands of acres are being proposed to go into this zone.

Mr. Lyons explained a lot of land in eastern and western Box Elder County has no zoning designation. Lack of zoning means maximum property rights, allowing landowners to theoretically do anything with their property, from residential to agriculture, industrial to commercial. This also means everyone else in your community can do the same. Residential density in an unzoned area is half-acre. If your neighbor wants to develop, they most likely can if they can access water. The East Garland community began discussions in January going over the pros and cons of zoning. A steering committee was formed and discussions involved East Garland's values and what their aspirations are as a community. The county was already working on an agricultural zone and the steering committee helped refine it.

Mr. Lyons addressed the issue of misinformation on social media sites. As part of the requirements for zone changes, public hearing notices are posted on different websites and signs are posted along the roadside. In conjunction with those signs, a lot of confusion and misinformation spread on social media about developers wanting to do different things with the land. When in reality those signs were neighbors requesting to put their land into the Agriculture Heritage Zone so they can be eligible for high protection status and put their land into an Agricultural Protection Area. APA's allow them to continue farming without being subject to nuisance complaints and lawsuits.

Four years ago the county went through a general plan process. Several surveys were sent out and the county heard back from about 2000 respondents, which was considered quite good. The data overwhelmingly showed the county supports agriculture with 92% of respondents supporting the preservation of prime agricultural land. Four scenarios were proposed, one was a trend scenario to let the county grow without any planning process. This scenario ended up with suburban development homes as far as the eye could see and was the least popular. The more popular scenarios were where development was directed towards cities or towns, and the rural farming areas development was much smaller and much slower, similar to how it has historically been. General plans are not made to stop growth, but to guide growth through public input, outreach surveys, and meetings. These results came to the Planning Commission and the County Commission, and when adopted, became the blueprint for how the county should implement the scenario to reach growth patterns down the line.

In developing the AHZ the county wanted to create a zone allowing flexibility for the landowner, and keep areas growing the way they have done for decades. Farmers have split off small lots for their kids and grandkids to fund the purchase of new equipment so they can continue to farm. By splitting off a smaller lot adjacent to an existing roadway, they are preserving larger amounts of agriculture behind that, and the larger amounts of agriculture that can be preserved makes for more viable agriculture. The zone still allows for agricultural businesses and a variety of home businesses and allows for residential development with a 5-acre density.

Vice-Chair Jed Pugsley reminded those in attendance that the members of the Planning Commission are volunteers. We are here for the betterment of our county and our communities, and are no different than you sitting in the audience. We ask for your respect and cooperation as we move about our business tonight. Please keep your comments brief and to the point. We will diligently take notes as we move forward through our public hearings tonight.



**EAST GARLAND COMMUNITY PLAN ZONING, Z25-015 Proposal to amend the Box Elder County zoning map from Unzoned to the Agriculture Heritage Zone (AHZ) for the East Garland area described as: North border - SR30; South border - 12800 North; West border - Malad River; East border - Bear River; ACTION**

Staff explained in January 2025 staff held a kickoff meeting for this project. The primary purpose of the meeting was to share information and answer questions about land use regulations and zoning - or the current lack thereof - in the East Garland area. At the conclusion of the meeting it was determined a steering committee of area residents interested in representing the community would be formed to lead a community planning effort. After an open application period, county staff selected a diverse group of members based on factors such as experience with similar projects, land use knowledge, and property ownership.

Since then, the steering committee has met several times to discuss community values, goals, and potential approaches. At the third meeting, the committee reviewed a draft of the Agricultural Heritage Zone. Members felt the draft addressed many of the community's concerns and aspirations. A committee representative attended the June Planning Commission meeting to voice support for the new zone and suggested a few changes based on the committee's discussion. The Planning Commission incorporated the committee's recommendations and forwarded the revised zone to the County Commission, who adopted it into the county land use code.

The public hearing was then opened for comments.

Brian Shaffer, East Garland, respectfully asked the Planning Commission to move this proposal forward to the County Commission for final approval. Mr. Shaffer served on the steering committee and submitted a letter of support regarding the Agriculture Heritage Zone.

*(See Attachment No. 2 - Letter.)*

Gatlin Lear, thanked staff for putting this zone together. He strongly supports this plan and hopes the Planning Commission will pass it.

John Mitchell stated this meeting is very different from what he anticipated. He is grateful for the foresight and courage the county has shown in the face of increasing pressure to develop. What this comes down to is flat criminal greed. People see these open spaces and think, money, money, money. They never stop and consider what we came from. When he goes to the places he grew up, it is unrecognizable anymore. There are so many homes and so many businesses, there is no such thing as open ground. Mr. Mitchell said the genuine value of our state was first recognized when Utah was just getting started. It wasn't about the gold and silver, it was about agricultural ground. If we don't have ground to grow our own crops and the crops we feed our animals, there is no point in being here. There is a lot of ground in Box Elder County to protect and preserve so we can have something to give our grandchildren that isn't paved over. He thanked the Commissioners for their time and attention and hopes they will abide by what was told in the introduction, that the genuine aim and goal is to preserve as much of this property as we can for the future.

Tim Munns, Hansel Valley, asked if all property owners have agreed to this zone. He questioned if everyone is put into this zone except one landowner, can that landowner still get zoned for a subdivision. Mr. Munns said unzoned land is a danger, we need to protect ourselves with zoning. He applauds the county for what they are doing with this zone.

Staff read into the minutes letters from East Garland resident Brodie Calder, Garth Day from Heritage Land Holdings LLC, and Vance Smith, Brookside Ranches, asking to exclude their property from the proposed zone change.

*(See Attachment No. 3 - Calder, Day & Smith Letters.)*

Bret Craynor, Brookside Ranches, wants to be removed from the rezone. He believes property owners should be able to do as they wish with their property. He and his wife have built multiple homes throughout the county, and no zoning has been beneficial to them. They are able to have their gardens, raise their families, and be able to have chickens, dogs, cows, and whatever is needed to survive and take care of their family. With the proposed zoning they are limited on what they can and can't do. Mr. Craynor owns two parcels within the Brookside subdivision, on one a garage/shop is being built which will have an apartment on top of it. He asked with the apartment on top of that shop, can he do 90 day rentals or long-term rentals? He also questioned why Bear Hollow was not a part of this rezone. If Bear Hollow could be removed can Brookside Estates also be removed?

Marianne Craynor agrees with everything said here tonight. She agrees and respects the agricultural zoning. On the other hand, she would like to be able to have a home business if she chooses. If their property is rezoned, they do not have that option because they don't have five or ten acres. Ms. Craynor said they are paying over \$5,000 in taxes for two acres. All of the property owners here having 5 to 10+ acres, pay next to nothing for taxes. She feels it's not really fair. She explained they already have their acres, and don't plan on doing anything crazy, but they should be able to rent an apartment out to make a little extra money and have the same options to run a home business as the farmers do.

Gene Beal, Brookside Ranches, said when he looked for a parcel with a view to build his house on, he came to the conclusion that tires, concrete, cow manure, and fields of grass have a better view than everybody else in the county. He was really happy to find the parcel he has now. Mr. Beal is a software engineer who works from home and would like to build an additional structure on his property that may end up being a rental. He wants to be completely left out of the zoning.

Christine Williams lives on 6000 West and is grateful to hear this proposal is to preserve agriculture. She is concerned with how many homes can be built on the 154 acres across the street from her. Her family is already facing a shortage with water pressure in her home, and have to have special septic systems in her development. She is concerned the developer has built and sold homes without installing a fire hydrant and asked what can be done to stop this development for not following code? She is okay with preserving agriculture, but if this is going to allow developers to come in and even subdivide some of it, she has an issue with it.



Brent Shaffer owns Shaffer Farms on the northern end of the zoning area and rents several other properties. He also participated on the steering committee and appreciates Scott Lyons and Marcus Wager for all their help and direction with the steering committee. Everything was done above board and he wants to give his support for what has been done. Not everyone is going to get 100%, but it's a good compromise to the values they have in the area and the growth they want to see in the future. Mr. Shaffer encouraged the Planning Commission to support this proposal and pass it on to the County Commission to let them make their decision.

Chubb Munns has property adjoining the area and listening to these comments from people who have moved here, one lady really stabbed a dagger in his heart by saying if you have large parcels of land, you don't pay much for taxes. Mr. Munns reminded her of the small mansion she lives in. The land is taxed by what is built on the property. He and his family used to farm the land her subdivision is on, so now they're out of a job. They can't farm that land anymore. He said if you want to control what happens across the street, then pony up and buy the ground. Then you can control it. His family couldn't pony up and buy the Sorenson farm because it was too much money. So now we have to deal with what happened. Don't come to the Planning Commission and say, we don't have this, and we can't do that. That is not the Planning Commission's job. Look through the information the county mailed out and understand it. If you want to have chickens, goats, hogs and cows, you still can in this proposal. Read it.

Jake Larsen owns ground in the area and was also on the steering committee. He is grateful for everyone who helped and feels they have done their due diligence with the proposal. He is all for this new zoning for this area. His ground has been in his family for quite a long time, and they are quite proud of it. He is trying to protect it and do all he can to keep it the way it was, so that his kids can keep on doing what they have done for hundreds of years. He thanked Staff and the Commissioners for their time.

Stefanie Tugaw Madsen said she is not opposed to the Agriculture Heritage Zone, but is opposed to the way it has been structured. A better option would be to let the landowners individually choose whether or not they want to be put into this zone where it has such consequences in a time frame. She thinks 20 years is a long time to be locked up without any further subdivision. She thinks it would be better to have people opt in, rather than try to object to what has been proposed and submit that back to the county. In the future, she hopes the county does not do this in other areas and make it a broad swath, but let the individual owners have their property rights so that one property owner is not affecting the property rights of others.

Wes Pierson has property in East Garland and was also on the steering committee. He thinks they did a very good job talking to people. One of his biggest complaints in regards to the steering committee stems from two of the letters received objecting to this proposal. Mr. Calder was a member of the steering committee but didn't show up at the last meeting when a vote was taken. Scott Lyons and Marcus Wager did a wonderful job with the committee and actually gave the option to call in on the meeting. Mr. Calder didn't call in either. Mr. Smith didn't show up for the last two meetings and also didn't call in. That was a big frustration to see them not voice their opinion and voice the opinions of those around them. Mr. Pierson obtained a list of major property owners in the East Garland area. The top 10 property owners, which is roughly 86% of the property, are very much in favor of this proposal. In other words, 8 out of 10 people were in



favor which matches what the Box Elder County survey said. Mr. Pierson is grateful to Scott Lyons and Marcus Wager for the work they have done. From what they have told us, the county needs to get everything zoned to protect property rights.

Kurt Bennington moved to East Garland 42 years ago from Roy and the Hooper area. His family settled Hooper and Roy and his family helped settle this area. The reason he and his wife moved here was to get a piece of land and live in a rural community and to raise their kids in the rural type of life. What has happened to Weber County is going to happen here if there isn't some good zoning in place. The townhouses will be built and will have an effect on our water and everything else. Mr. Bennington is grateful for the steering committee and the effort everyone has put into this proposal and hopes it passes to get this going.

Darcie Sorensen Stark said her family owns a little piece of the Sorenson Family Farm and has for over 100 years. She is the eighth child and is working right alongside with her mom, who is 84. Ms. Stark takes great pride in that she was raised on that road and is now trying to raise her little kids on that road. With the amount of houses having gone in already, it is unsafe for her kids to learn to ride their bike down that road. The ground needs to be zoned so her kids can grow up the way she did in a farming community, not in a subdivided town. They are a farming community and love being a farming community. She thinks the rezone will keep it that way.

Jesse Shaffer lives in the area affected by the rezone. He thanked the Commissioners for their consideration of this zone and thinks it's necessary for this zone to happen for the community. The farm he currently enjoys has been in five generations, so the name of Agriculture Heritage Zone is appropriate. His great, great grandpa made sacrifices making it so his family could enjoy their property. He is concerned about his lifestyle and his children having a place to enjoy that lifestyle too. He is even more concerned about his grandchildren, and great grandchildren and the kind of life they will be able to live. He thanked the Commission for their consideration and hopes they support this zoning option.

Jennifer Stewart was born and raised in East Garland and lives on a 100 year old farm. The idea of zoning East Garland was started two years ago and she is extremely happy this is finally to the point of getting what the residents wanted done. At the first meeting residents asked why do we have to zone? Let's just leave it how it is. But we can't, because if we do that, we're going to have apartments and restaurants and who knows what is going to be there. She said she is all about agriculture and remembers going out with her grandpa, riding on the back of the tractor and seeing the land, it's where she learned her values. Ms. Stewart thinks the majority of the people are for this proposal. The people saying they didn't get told about this is not true, especially in Tremonton, everybody knows about it. She thanked the Commissioners for their time and encouraged them to pass this proposal.

Bailey Shaffer is grateful for the work and the effort everybody has put in for this. The reason his family moved back to East Garland is so his kids could grow up with the agriculture lifestyle. Finding a way to preserve the lifestyle, at least for the next little while, while they're here and able to experience those things, he is all for.

Stephen Adams said the area he owns is small, approximately one mile wide and three miles long. He is not in favor of the rezone. Over twenty years ago it was proposed by the residents to incorporate and become their own community. The proposal was turned down almost unanimously. He feels the landowner should control their land and how their property should be used.

Hearing no further comments, a motion was made by **Commissioner Jared Holmgren** to close the public hearing on Zoning Map Amendment Z25-015. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

### **ACTION**

**Commissioner Jared Holmgren** asked if this is approved, can landowners apply to have a different zone applied to their land. He also asked if ADUs are allowed in the Agriculture Heritage Zone. Staff stated landowners have the ability, at any time, to submit an application for a zoning map amendment on their property. The request would be reviewed by the approval standards listed in county code and a public hearing would be held. The Planning Commission would then make a recommendation to the County Commission who would make a decision based on their recommendation. Staff said we see those almost every meeting, whether it is changing residential to commercial, or a request to change from one density of residential to another density of residential.

Staff verified ADUs and home based businesses are allowed in the Agriculture Heritage Zone just as they are in any other zone. Not having sufficient acreage, like 5 or 10 acres, was brought up by someone during the public hearing. The only business requiring a minimum acreage is a trucking business. A minimum of two acres is required in order to locate two trucks there. Some types of home-based businesses such as small engine mechanics or auto mechanics, are considered to be undesirable and have limitations because an abundance of lawn mowers or people's vehicles end up in the front yard. Generally, those types of uses are reserved for commercial areas.

Staff explained a scenario of a 20 acre lot with five-acre density. The 20 acres are eligible for four half-acre lots and the remaining acreage is the agricultural parcel, which would remain in agriculture for 20 years. At the end of the 20 years when the clock expires, it resets. Now the 18 acre agricultural parcel is eligible for three lots to be split off. Essentially it resets every 20 years and becomes eligible for an additional number of lots based on the density.

**Commissioner Brandon East** asked about the noticing requirements mentioned in Mr. Calder's letter. Staff stated sections of code referred to in those letters were either referenced incorrectly or not accurate. Any of the concerns brought up were reviewed by the County Attorney's office and were determined to be properly noticed.

Staff read the standards for reviewing zoning map amendments as they apply to this request as follows:



**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The General Plan: States that future land use decisions should enhance our towns and cities, focusing most of the growth there and that decisions should support our farmers and ranchers in their agricultural stewardship. Specifically it states that the area is part of the agricultural heritage area and large lot zoning with the allowance for smaller lots along main roads should be established. Staff feels the proposed amendment is consistent with the General Plan.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**

The East Garland area (for the purpose of this zoning) is as follows:

North Border - SR30

South Border - 12800 North

West Border - Malad River

East Border - Bear River

Staff feels the proposed amendment is harmonious with the overall character of existing development in the area. As part of the planning process and development of the AHZ a parcel analysis was done for this area. The AHZ should mirror how East Garland has grown over decades. This is generally smaller residential lots along existing roads with larger agricultural parcels covering the majority of the acreage.

**C. The extent to which the proposed amendment may adversely affect adjacent property; and** The proposed zoning amendment should not affect adjacent properties; however, the public hearing process may bring forth additional information.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** The proposed AHZ would reduce the demand on facilities and services in this area. Additionally it discourages leapfrog development and aids in planning for said services as allowed uses and density is established vs unzoned areas.

**Commissioner Jennifer Jacobsen** commented this zone is extremely aligned with the General Plan. It is also in keeping with the character of the existing vicinity. The time has come for Box Elder County to start standing up for what the citizens want. She thanked those in attendance for speaking their minds, and standing up for what they want to have done. The support for agriculture is overwhelming and has been proven in the general plan studies and all of the participation by the county.

**Commissioner Jed Pugsley** doesn't have a vote tonight but said he would be remiss if he didn't speak briefly about private property rights and how important he believes they are. A large portion of private property rights are in making sure everything is in order. Unzoned property is not in order. He feels strongly in order to protect the things that we love, property must remain zoned. Unzoned property, just like unfenced property, does not make good neighbors.



**MOTION:** A Motion was made by Commissioner Jennifer Jacobsen to forward a recommendation of approval to the County Commission for project #Z25-015, a zoning map amendment from Unzoned to the AHZ (Agricultural Heritage Zone) and adopting the conditions and findings of staff. The motion was seconded by Commissioner Jared Holmgren and passed unanimously.

**CONDITIONS:**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**AGRICULTURE HERITAGE ZONE, Z25-013, Request to amend various areas of the Box Elder County zoning map from Unzoned to the Agricultural Heritage Zone (AHZ).**  
**ACTION**

Commissioner Jared Holmgren recused himself from participating as he is one of the applicants.

Staff explained nine applicants are requesting the following parcels be re-zoned from Unzoned to the AHZ (Agricultural Heritage Zone).

William & Tamara Myers: 05-130-0024; 05-130-0025; 05-004-0089 - 41.95 Acres.

Rick & Joey Roche: 06-053-0128; 06-053-0023; 06-053-0115 - 16.96 Acres.

Jared Holmgren 1: 07-006-0001; 07-006-0060; 08-006-0061; 08-006-0062; 08-006-0063 - 1,965.79 Acres.

Jared Holmgren 2: 07-004-0003; 07-004-0004; 07-004-0022; 07-004-0024; 08-004-0090 - 561.50 Acres.

BoDee & Jamie Udy: 06-044-0029 - 19.68 Acres.

Clint & Brenda Munns: 06-056-0041; 06-113-0022; 06-113-0017; 06-113-0015; 06-113-0005; 06-056-0104; 06-056-0050; 06-056-0042; 06-056-0036; 06-056-0012; 06-056-0008 - 251.30 Acres.

Richard Nicholas 1: 04-006-0005; 05-005-0079 - 486.60 Acres.

Richard Nicholas 2: 08-007-0015; 08-007-0096; 08-063-0065; 08-063-0064; 08-025-0017 - 1,058.89 Acres.

Scott & SharaDawn Stephens: 05-074-0037; 05-074-0045; 05-074-0010; 05-074-0050; 05-074-0053 - 32.77 Acres.

Lloyd Wood 1: 05-082-0008; 05-082-0038 - 70.17 Acres.

Lloyd Wood 2: 07-046-0008 - 154.54 Acres

Lloyd Wood 3: 07-030-0045 - 7.23 Acres

Jeff Wood: 07-030-0034; 07-030-0046 - 16.75 Acres.

Staff read the standards for reviewing zoning map amendments as they apply to this request:

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The General Plan: States that future land use decisions should enhance our towns and cities, focusing most of the growth there and that decisions should support our farmers and ranchers in their agricultural stewardship. Staff feels this amendment supports this statement.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The subject properties are located in

multiple areas of unincorporated Box Elder County. The subject parcels and most of those parcels adjacent to them are currently used for agricultural purposes and/or rural residential purposes and would be harmonious with existing development.

**C. The extent to which the proposed amendment may adversely affect adjacent property;**

The proposed zoning should not affect adjacent properties; however, the public hearing process may bring forth additional information.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** Staff is unaware of the adequacy of facilities and services in these areas; however, this amendment should help with future needs of facilities and services.

The public hearing was then opened for comments.

Lloyd Wood thanked Scott Lyons and Marcus Wager for putting together this AHZ. He encouraged the Commissioners to really seriously vote for this to help preserve our agriculture. One of those parcels he inherited a few years ago has been in his family since 1896. He hopes his kids and grandkids can continue on a little bit of a legacy and be as proud as he is.

Bodie Udy thanked the Commissioners and the Planners for this zone to help protect agriculture. He thinks this is a good thing for our county.

Bill Myers stated the 40 acres he is putting into the Agriculture Heritage Zone was homesteaded by his wife's great-grandfather in 1892 and he wants to keep it just as it is.

Laurie Munns, Hansel Valley, appreciates everything being done here. She applauds the county and staff for working so diligently on this. She is a little concerned about the number of houses that could be built on the large acreage out west. If the formula for houses is applied and those houses congregate, there is the possibility of having a mini city. She is concerned the acreage per parcel is not broad enough. It is just not tight enough for her.

Clint Munns said this has been a long time coming, he believes in protecting agriculture. He has farmed for over 40 years. He said he lives in the curse of the Cutler Dam wind every morning that blows in from the south. Cows, horses and sheep don't need the building supplies the wind blows in. Mr. Munns asked if there is some protection the farmers have with this zoning to make developers clean up their junk. The neighboring farms need some protection whenever they develop these homes, so they don't have to fight problems down the road because of their laziness. He understands they cannot control the wind, but they still need to be responsible for their building supplies.

Jared Holmgren has been wanting to zone for a number of years but couldn't find the right zone for his land until this zone came about. He thanked the planners for coming up with this zone, giving him a way to get his land into agricultural protection without it having to be in a multiple use zone.



Shera Dawn Stephens property is 200 ft. into Tremonton City but she hopes everything behind her stays the way it is.

Clayton Grover thinks this is a great idea to keep farming going. He does have a little bit of heartburn in regard to blanket zoning these places because the land can't be subdivided. For everyone who wants their land in protection, this is a great idea, but for the few that maybe don't, we want to make sure we can stay out of it so we can have other options.

Ranae Tracy says she is all for this and wants her land put in.

Dennis Holland expressed concern with public misinformation and has tried to research on-line what this agricultural zone really means. He went on the county website for information but because of his dyslexia it was difficult to determine what it was saying and how many lots can be built on 154 acres. Now that he is here he understands it better and it sounds like a good thing. He appreciates what the county is doing. Mr. Holland asked if someone has a large parcel of land with a lot of road frontage, how does it really limit growth? There could be a lot of houses built along the road.

Hearing no further comments, a motion was made by **Commissioner Lonnie Jensen** to close the public hearing on the Agriculture Heritage Zone, Z25-013. The motion was seconded by **Commissioner Brandon East** and passed unanimously.

## **ACTION**

The Commissioners discussed the density of unzoned property vs the density of the Agriculture Heritage Zone using 150 acres as an example. The density is significantly reduced in the AHZ.

**Commissioner Jennifer Jacobsen** thanked the applicants for taking the initiative to zone their property. She asked those attending to talk to people so they can understand this zone because it's getting a little bit lost in translation. So talk to people and let them know what it means, so they are not confused.

**MOTION:** A Motion was made by **Commissioner Brian Bowen** to forward a recommendation of approval to the County Commission for application Z25-013, a zoning map amendment from Unzoned to the AHZ (Agricultural Heritage Zone) and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Brandon East** and passed unanimously.

## **CONDITIONS:**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**ORDINANCE TEXT AMENDMENT, Z25-014, Request to amend various sections of the Box Elder County Land Use & Development Code. ACTION**

Staff sometimes finds areas in county code not making sense or in need of updating which is the reason a request has been made to amend Sections 2-2-160; 3-2-010; 5-1-060; and add Section 5-1-400.

Staff read the standards for reviewing zoning text amendments as they apply to this request:

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The proposed amendment is consistent with the goals, objectives, and policies of the County's General Plan.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** The proposed text amendment should not have an effect on the adequacy of facilities.

Staff explained the Planning Commission has some reservations about the first item, 2-2-160. Temporary Use Permit, and suggested tabling this portion as it does not align with what the county wants to do in the future.

**2-2-160. Temporary Use Permit.**

**D. Procedure.** An application for a temporary use permit shall be considered and processed as provided in this subsection.

2. After the application is determined to be complete, the Zoning Administrator shall solicit recommendations from the County Fire Marshal, Sheriff, Health Department, Roads Department and/or County Engineer, as needed.

~~Thereafter the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in Section 2-2-050 of this Chapter.~~

~~3. A staff report evaluating the application shall be prepared by the Zoning Administrator.~~

~~4. The Planning Commission shall give a Class A notice of a public meeting regarding the application pursuant to Section 2-2-050 of this Code. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Section 2-2-160(E) of this section.~~

~~5. After the Planning Commission has made a decision, the Zoning Administrator shall give the applicant written notice of the decision.~~

~~6.~~ **3.** A record of all temporary use permits shall be maintained in the office of the Zoning Administrator.



**E. Approval Standards.** The following standards shall apply to the issuance of a temporary use permit.

2. No temporary use permit shall be issued unless the ~~Planning Commission~~ Zoning Administrator or a designee) finds the proposed temporary use:

**F. Appeal.** Any person adversely affected by a final decision of the ~~Planning Commission~~ Zoning Administrator or a designee regarding a temporary use permit may appeal that decision to the Hearing Officer as provided in Section 2-2-190 of this Code.

**G. Effect of Approval.** Approval of a temporary use permit shall authorize an applicant to engage in the temporary use subject to conditions of approval as may be imposed by the ~~Planning Commission~~ Zoning Administrator or a designee.

Staff is proposing to remove the word mining. In 2009 counties passed legislation in regards to mining and mining has its own chapter now.

### **3-2-010. Purpose.**

**A. Mixed Use.** Mixed Use zones provide a multiple use district to establish areas in mountain, hillside, canyon mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, ~~mining~~, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the Planning Commission to the County Commission; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.

Staff explained the zoning administrator approves ADUs instead of the Planning Commission and the CUP changed to an Administrative CUP.

## **Chapter 5-6 – Accessory Dwelling Units & internal Accessory Dwelling Units**

### **5-6-060. Development Standards.**

P. The ~~planning commission~~ zoning administrator may place other appropriate or more stringent conditions deemed necessary in approving ADUs as per the standards found in Section 2-2-1010, ~~Administrative~~ Conditional Use Permit.

Staff updated county code a few months ago by amending the mobile home chapter to be the Agritourism chapter. In doing so some of the language dealing with mobile homes was removed. Staff recommends adding a section regarding mobile homes.

## **Chapter 5-1 - Regulations Applicable To All Zones**

Box Elder Zoning Ordinance as Adopted October 2007

### **5-1-400. Mobile Homes.**

### **5-1-400. Mobile Homes.**

Mobile Homes as defined in Chapter 1-3 shall not be used at any place within the established boundaries of unincorporated Box Elder County, at any time, for living quarters except in zoning districts that allow them or in existing designated and permitted mobile home parks.

The public hearing was then opened for comments.

Clint Munns is concerned about mobile homes only being permitted in mobile home parks. He has had ranch labor living in mobile homes on his property for 30 years.

Hearing no further comments, a motion was made by **Commissioner Jared Holmgren** to close the public hearing on the Ordinance Text Amendment, Z25-014. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

### **ACTION**

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to forward a recommendation of approval to the County Commission for application Z25-014 an ordinance text amendment amending 3-2-010; 5-6-060, 5-1-400 and tabling 2-2-160 for up to 6 months for further review, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Brandon East** and passed unanimously.

### **CONDITIONS:**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

### **NEW BUSINESS**

**BLUE PHANTOM KENNELS, SP25-007, Request for Site Plan approval for a commercial kennel business located at approximately 18110 N 6000 W north of the Riverside area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting site plan approval for a commercial kennel business. The proposed use is mainly for the training of dogs on property. Dogs will be kept in a newly-built outbuilding on the site. The site is on approximately 1.70 acres located at 18110 North 6000 West in the unzoned area of Box Elder County north of the Riverside area. The surrounding land uses are Rural Residential and Agriculture, the surrounding zoning is unzoned.

Staff read the standards for approving permitted uses as they apply to this request:



**A. The proposed use shall be allowed as a permitted use in the applicable zone.** Yes

**B. The proposed use shall conform to development standards of the applicable zone.** The proposed use is still under review by the Community Development department. That review has been included at the end of this report.

**C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code.** The proposed use is still under review by the Community Development department. That review has been included at the end of this report.\*

**D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances.** The proposed use is still under review by the Community Development department. That review has been included at the end of this report.

**E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval.** N/A

**\*SITE PLAN REVIEW  
BLUE PHANTOM KENNELS  
REVIEW #: 1  
DATE: October 8, 2025**

**Planning Department Comments:**

1. Per 2-2-120(E)(1)(d)(2), show dimensions of existing road rights-of-way.
2. Per 2-2-120(E)(1)(d)(5), show layout and dimensions of parking areas and landscape areas that would be used for the business.
3. Per 2-2-120(E)(1)(d)(6), show location, dimensions, and labeling of other features such as dumpsters, trash cans, fences, signage, and mechanical equipment.
4. Per 2-2-120(E)(1)(d)(8), add a tabulation table showing:
  - a. total gross acreage
  - b. square footage of building footprint
  - c. building floor area
  - d. any landscaping; and
  - e. number of guest/client parking spaces.
5. Per 2-2-120(E)(1)(f)(5), show location and dimensions of all utility easements.
6. Per 2-2-120(E)(1)(g)(3), add note or show that all lighting shall conform to Chapter 5-9, Outdoor Lighting Standards, of the County Land Use Code (i.e. all outdoor lighting to be 100% shielded and downward directed as to not have light pollution onto adjacent properties).
7. Per 5-8-050(A)(1), show (add dimension) that the proposed building is at least 200' away from any neighboring house.
8. Per 5-8-050(B)(3), show location of dog run of an adequate size to provide adequate exercise and protection from weather.

9. Per 5-8-050(B)(12), if a dog run is to share a property line, add note or show that the proposed, shared fence is of a height and of a material as to not allow a dog to escape or a neighboring land owner or person to put their hand through.
10. Per 5-8-050(B)(4), owner to provide a waste management plan to show how animal waste will be disposed of.
11. Per 5-8-050(B)(11), show kennel sign location. Signs shall be no larger than six (6) square feet in size.
12. Input a "Project Data" tabulation table (in sq. feet) indicating:
  - a. Total project area
  - b. Any shop area to be used towards the business (if any)
  - c. Total proposed gravel pavement area (for the equipment storage)
  - d. Any landscaped area that would be associated with the business (if any)
13. Will any part of the existing home be used for this commercial kennel purpose? If so, how much will be used (percentage), what part of the home, and how will it be used? NOTE: No dogs (aside from owner's personally owned dogs (if any and no more than 4) can be housed in the home).
14. Reach out to the Division of Water Rights in Cache County (435-752-4375) to ensure that water is sufficient and records are clear for commercial kennel use.

Staff stated based on the above information, the Planning Commission may either approve or table this request. If the commission chooses to approve, staff asks the following conditions be applied.

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all standards found in Chapter 5-8 (Kennels) of the Box Elder County Land Use Management & Development Code.
4. Compliance with all standards found in Chapter 5-9 (Outdoor Lighting Standards) of the Box Elder County Land Use Management & Development Code.
5. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
6. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

Commissioner Brian Bowen feels a lot of items need to be addressed. The Commissioners agreed they would like more answers before moving forward.

**MOTION:** A Motion was made by Commissioner Brian Bowen to table the review of application SP25-007, a request for site plan approval of a commercial kennel, for up to 6 months to allow time for the site plan review items to be completed by the applicant. The motion was seconded by Commissioner Brandon East and unanimously carried.



## **WORKING REPORTS**

Staff has been working on the County Water Master Plan for over a year. The final meeting will be on November 6, 2025 at the Utah State University Campus in Brigham City, where it will be presented to the public at large. The plan will then go before the Planning Commission on November 20, 2024 as a general plan amendment.

## **PUBLIC COMMENTS**

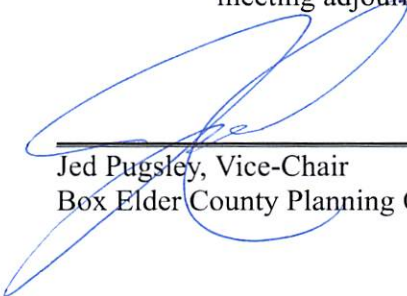
Christine Williams lives south of the proposed kennel. She is very frustrated, the whole subdivision is a mess. There is no signage, no fencing and had she not contacted Planning & Zoning, they would be operating without a license. She said they have had up to 20 dogs in their house in crates. There are no individual pens outside. There is a barn but it echoes and is without heat, air conditioning, insulation, and has no concrete floor, it's all gravel. The county has been allowing her to operate a business without a permit. She asked to please do some research and do a site visit and look at the crates in her shop. She feels the conditions are inhumane.

Dennis Holland commented about the statement of things not falling through the cracks. He doesn't understand why a site plan is just now being done. How does the building get built before the site plan goes through? It sounds to him like something fell through the cracks. Mr. Holland is a dog lover and if the kennel operator takes good care of dogs, he is not opposed to it, but he just quite doesn't understand how it is that the cart was put before the horse.

Mr. Holland also commented about a neighbor who built a new barn and the lights on the barn are like headlights. He asked if the county has a lighting ordinance. Staff will send Mr. Holland a copy of the lighting ordinance.

## **ADJOURN**

**MOTION:** A Motion was made by Commissioner Jared Holmgren to adjourn commission meeting. The motion was seconded by Commissioner Jennifer Jacobsen and the meeting adjourned at 9:37 p.m.



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Jed Pugsley, Vice-Chair  
Box Elder County Planning Commission

**PLANNING COMMISSION MEETING**  
**Thursday October 16, 2025**

Pg. 1

NAME	ADDRESS	AGENDA ITEM
Kirk Oyler	4475W 14400N.	AHZ zoning
Brent Shaffer	15145N 4800W	AHZ zoning
Bailey Shaffer	14911 N 4400 W	" "
Jeff Oyler	4780 W 14400N	" "
Braydon Loscher	16073N 6000 W	" "
Daniel Karlene Madson	16735 N 6000W	Zoning Attz
Doug/Christine Williams	18090 N. 6000W.	AHZ Zoning
Bret/Marianne Craynor	13488 N. Brookside Dr.	" "
Debbi Dimond	17580 N 6000 W Garland	AHZ Zoning
Canynlla Butler	17560 N 6000 W Garland	AHZ Zoning
Jon MITCHELL	18925 N 6000 W GARLAND	AHZ ZONING
BRIAN SHAFFER	4500W 14800N Garland	AHZ
Larry Hess	14980 N. 4400W Garland	"
Gatlin Lear	4448 W 14800 N Garland	AHZ
Jack Forsberg	17900 N 6000 W Garland	AHZ
Kent L BAKER	15400 N 5150 W Riverside	AHZ
Wes Pierson	13465 NE Garland Rd. Garland	AHZ-Zoning
Roy & Pat. Shaffer	4990W 14400N Garland	AHZ zoning
Jesse Shaffer	4820 W 14400 N Garland	AHZ



# PLANNING COMMISSION MEETING

Thursday October 16, 2025

Pg. 2

NAME	ADDRESS	AGENDA ITEM
Jake K Larson	14398 N 4400 W Garland UT 84302	AHZ
Susan Larson	14398 N 4400 W Garland UT 84302	AHZ Zoning
Kyle Potter	3300 W 15200 N Collinsville UT	" "
Jon & Kristie Thorndy	9216 N. 11600 W. Tremonton UT	Zoning East Garland
Brad & Kathy Christensen	2121 N 2400 W Malad ID 83252	Zoning East Garland
Tammy Berry	13080 N Hwy 13 Garland, UT	Zoning East Garland
Cort Berry	" " " "	" " "
Clint Munns	13505 N 6000 W Garland	Zoning B
Shara Dawn Stephens	1930 E. Main Tremonton	AHZ
RaNaë Tracy	13510 N 6000 W Garland	ZONING B
JED ABBOTT	417 N 200 E TREMONTON	ZONING B
STEFANIE TUGAN-MADSEN	7650 N. Highway 38 HONEYVILLE	AHZ
Lloyd Wood	9360 N. 5600 W. Tremonton UT 84337	2 AHZ
Tamara H. Wood	" " "	"
Bodex Udy	16421 N 5200 W Garland UT	6 B
Jamie Udy	16421 N 5200 W Garland	6 B

Pg. 3

[illegible]



## **Support for the Agricultural Heritage Zone – East Garland Area**

*Presented to the Box Elder Planning Commission*

### **Thank You for Your Consideration**

I appreciate the opportunity to comment on the proposal to adopt the **Agricultural Heritage Zone for the East Garland area**. I respectfully urge the Planning Commission to move this proposal forward to the **Box Elder County Commissioners** for final approval.

### **Why This Matters**

On **November 17, 2021**, Box Elder County adopted a new **General Plan**, designed to serve as a long-term decision-making guide for land use and development.

I had the privilege of serving on the **General Plan Steering Committee**, which included a broad and diverse group of residents and community leaders committed to a public process and to the best interests of our county.

### **Community Voices Were Heard**

More than **1,000 residents** participated in online surveys and open house events. These efforts revealed clear themes about the community's values and vision:

- **Over 90%** of survey participants agreed:  
“Agriculture is an important part of our history, heritage, and economy—as well as a key part of our future.”  
Residents strongly supported the preservation of orchards, the small fruit industry, and prime farmland.
- **81%** of participants preferred a growth pattern that:
  - ✓ Focuses development in existing towns and cities
  - ✓ Reduces pressure on farmland
- **Over 70%** supported new neighborhoods that include:
  - ✓ A variety of housing types and lot sizes
  - ✓ Shared open spaces like parks, trails, or community gardens
  - ✓ Open space preservation with clustered housing and room for farming, recreation, or equestrian use
- **90%** of residents considered it important or somewhat important to provide **reasonably priced housing** for a range of households, including young people starting out.

## **The Agricultural Heritage Zone Aligns with These Values**

The proposed Agricultural Heritage Zone directly reflects the community priorities expressed through the General Plan process. It balances **growth with preservation**, respects the **county's agricultural roots**, and supports a **sustainable future**.

## **Final Request**

I respectfully encourage the Planning Commission to **recommend this proposal** to the Box Elder County Commissioners. Thank you for your time, service, and dedication to thoughtful planning in our county.

*Prepared by:*

Brian Shaffer

East Garland

bks14758@gmail.com



# Brodie Calder Letter

Dear Planning Commission, Staff, and Box Elder County Commissioners,

I am writing to formally **object to the inclusion of my property** in the proposed Community Plan and associated zoning changes currently under consideration by Box Elder County.

I own three parcels located within the affected area:

1. Parcel # 06-048-0100 – owned by **Brodie and Laura Calder**
2. Parcel # 06-048-0012 – owned by **Calder Family Farm**
3. Parcel # 06-048-0109 – owned by **Calder Family Farm**

Staff checked with the County Attorney's office regarding how these properties were noticed and they feel the state requirements were met.

Only one parcel (under my personal names) received notice of the proposed zoning change. The other two parcels, owned by **Calder Family Farm**, received **no mailed notice** and were not listed among the notified property owners.

Under **Utah Code §17-27a-205(2)(a)**, when a county proposes a land use ordinance or zoning map amendment that may change a property's zoning designation, it **must mail notice to each affected property owner** at least **10 days before the public hearing**. Each recorded owner of property subject to a zoning change must be notified individually, using the address on record with the county assessor.

Because the county failed to properly notify all affected property owners, the proposed zoning action has not met the procedural requirements of **LUDMA §17-27a-205**, and therefore, any zoning change involving my parcels would be procedurally invalid.

However, I am **not requesting re-issuance of notice**. I am instead requesting that **my properties be excluded entirely** from the proposed community plan and zoning changes.

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## Lack of Promised Community Process

When the county first introduced this community planning effort, it publicly committed—through county emails and outreach—to a transparent and collaborative process that would include:

- Consideration of infrastructure (roads, utilities, water, etc.)
- Creation of maps, models, and renderings to visualize each scenario
- Drafting multiple concept plan scenarios
- Holding a public meeting to present options and gather feedback
- Preparing a final draft with true community involvement

While the county did follow through on forming a committee, the key steps listed above never occurred. The committee ultimately ignored these promised commitments and proceeded without following the process the County had originally outlined. The committee made decisions on behalf of the public without meaningful citizen participation.

Meeting minutes confirm that:

- No East Garland Community-wide surveys or outreach were ever conducted to gather input from affected property owners.
  - No infrastructure studies or visual plan scenarios were ever created or shared with the public for review.
  - The committee relied on outdated countywide plans that did not involve the private property owners directly affected by this proposal and did not reflect current conditions or infrastructure needs.
- I think it is a stretch to call the General Plan outdated. It has a section specific to East Garland (included) and was adopted four years ago.  
Best practice for a General Plan update is 10 years.

In short, the process described and promised to the community was not followed. What occurred instead was a closed process that lacked the transparency, data analysis, and genuine citizen involvement required by both the County's own development code and Utah's planning principles under LUDMA. Both emphasize that land use decisions must be based on public involvement, transparency, and proper notice.

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## Property Rights and Zoning Authority

Under **Box Elder County Land Use Management & Development Code §2-1-070 and §2-1-080**, a zoning map amendment may be initiated by:

- The **property owner** or
- The **county**, but only through a **public process consistent with LUDMA** and the **adopted general plan**.

LUDMA and the County Code do **not authorize zoning changes** to privately owned parcels without proper notice, justification, or the owner's participation. Landowners cannot be forced into rezoning simply because others wish to stop growth or alter nearby development.

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## Request

The two sections of county code referenced above are incorrect. They are from the chapter Decision Making Bodies and Officials. They discuss Land Use Authority Referral and the Zoning Administrator respectively.

The section of county code that would apply here is 2-1-080, Zoning Map and Text Amendments. It states "Proposed amendments to the ... zoning map may be initiated by the County Commission, Planning Commission, authorized County Staff, or a property owner affected by a proposed amendment as provided in this section."



Given the county's failure to follow its promised process, lack of proper notice, and the absence of infrastructure analysis or community participation, I respectfully request that:

1. The county **exclude all parcels owned by Brodie Calder and Calder Family Farm** from the proposed community plan and zoning changes; and
2. No zoning map or ordinance amendment be applied to these properties without **explicit application or consent** by the property owners.

Thank you for your time and for placing this formal objection and exclusion request in the official public record.

Sincerely,

**Brodie Calder**

Owner, Brodie Calder and Calder Family Farm

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Box Elder County Planning & Zoning Department  
Attn: Planning Commission  
1 South Main Street  
Brigham City, Utah 84302

Date: October 10, 2025

Subject: Formal Objection to Inclusion of Parcel #06-053-0129 in East Garland Rezone Petition

Dear Planning Commission Members and Box Elder County Officials,

Heritage Land Holdings is the owner of approximately 50 acres of property located in the East Garland area of unincorporated Box Elder County (Parcel #06-053-0129). This letter serves as a formal objection to the inclusion of our property in the current East Garland area rezone petition.

Our property was included in this petition without our consent, prior notice, or consultation, and to date, we have not been provided with any meaningful opportunity for input regarding the proposed zoning changes. It is our position that the County has no adopted or approved land use plan for this area, and proceeding with a broad, uncoordinated rezone of privately owned property without the direct involvement of affected landowners is premature, arbitrary, and inconsistent with sound planning principles and due process.

### **Lack of Planning Framework and Procedural Deficiencies**

The East Garland area currently lacks any comprehensive land use plan, capital facilities plan, or transportation plan guiding its long-term development or infrastructure investment. There has been no adoption of a Planning Advisory Area (PAA) pursuant to Utah Code §17-27a-306, which is the statutory mechanism specifically designed to provide structure, notice, and a public planning process for unincorporated areas experiencing development pressure.

Without a PAA or equivalent planning framework, there is no baseline analysis of water, sewer, roadway, or public service capacity, nor any coordination with adjacent jurisdictions such as the City of Garland, Tremonton City, or local utility providers. Initiating a wholesale rezoning effort in this context—without infrastructure planning, public workshops, or technical studies—places landowners at significant risk and exposes the County to avoidable legal and practical conflicts.

This approach also undermines the intent of Utah's Land Use Development and Management Act (LUDMA), which emphasizes deliberate, plan-based decision-making to protect both the County and private property owners from arbitrary or reactive land-use changes.

### **Heritage's Role in the Box Elder Summit**

It is also important to note our role and investment in fostering constructive dialogue and education regarding the County's land use process. Heritage has served as a sponsor and active participant in the Box Elder Summit, an event created specifically to promote transparency, education, and collaboration among landowners, developers, elected officials, and planning staff.



Through this Summit, we have devoted substantial time, resources, and professional expertise to help bridge the persistent gap in understanding between public and private stakeholders. Our purpose has been consistent—to promote informed decision-making, advance responsible planning, and create an environment where collaboration replaces confusion or mistrust.

It is therefore deeply concerning that, despite these good-faith efforts, the County is advancing a major rezoning initiative that disregards the very principles of openness, communication, and due process the Summit was designed to uphold. Actions such as including private property without consent run counter to the spirit of cooperation that Heritage and many others have worked to establish in Box Elder County.

Heritage remains committed to building partnerships that result in better long-term outcomes for the County and its residents. However, such outcomes depend on mutual respect, adherence to process, and recognition of the rights of those most directly affected.

### **Impact on Property Rights and Values**

Including private property in a rezoning effort without consent or coordination has direct and adverse effects on property rights, development potential, and valuation. It introduces uncertainty regarding allowed uses, creates potential conflicts with existing subdivision or entitlement applications, and can devalue property by imposing new restrictions or incompatible designations.

Property owners like ourselves—who have acted in good faith by investing in planning, engineering, and subdivision applications consistent with existing County ordinances—are now facing unwarranted disruption to our vested rights, expectations, and lawful use of our land. Furthermore, we have already submitted a complete subdivision application for our property that is under review by the County. Such rezone actions may constitute an unreasonable interference with the use and enjoyment of private property and, in some cases, could raise constitutional concerns under Article I, Section 22 of the Utah Constitution regarding takings and deprivation of property rights without due process.

### **Formal Request for Exclusion**

We therefore formally request that Parcel #06-053-0129 be immediately removed from the East Garland rezone petition and excluded from any future hearings, meetings, or actions associated with that proposal.

We further request written confirmation from Box Elder County acknowledging the removal of our parcel from the petition prior to any recommendation or decision by the Planning Commission or County Commission.

## **Conclusion**

The County should not proceed with any area-wide rezoning of the East Garland area until it has completed the necessary planning, infrastructure analysis, and PAA process required under state law. Inclusion of private land without consent or coordination is neither fair nor consistent with the principles of transparent governance and responsible land management.

Heritage has consistently demonstrated a willingness to engage constructively, to educate, and to collaborate for the benefit of the County and its citizens. We strongly urge Box Elder County to return to that cooperative model and to respect the rights of landowners who have invested in this County's future in good faith.

Thank you for your prompt attention to this matter. We reserve all rights and remedies available under applicable law, including those provided under Utah Code Ann. §17-27a-201 et seq., and request that this objection be made part of the public record for all proceedings related to the East Garland rezone petition.

Sincerely,  
Garth B. Day  
Heritage Land Holdings, LLC  
Phone: 435-730-8208  
Email: garthd@heritage.dev



Dear Box Elder County Planning Commission and Staff,

I had hoped to attend this public hearing and express my thoughts in person, but a family emergency arose and made that impossible. I have consistently expressed my opinion regarding the purpose of the rezone we are facing in East Garland—not because I am against zoning the area or establishing reasonable guidelines to help direct future growth, but because of how this rezone was introduced and presented.

This issue is less about stopping development and more about stopping *who* is developing. That is where my concern lies. During several meetings of the steering committee, this underlying agenda became increasingly apparent—especially as one of the committee members has been in talks with a developer to create a subdivision just outside the proposed rezone boundaries.

I would like to see our community lead by example. Let's begin by rezoning our own properties and working together to establish standards and goals that reflect the shared interests of those directly involved. Instead, this rezone has been pushed on the entire area, leaving many opposing residents out of the conversation or disregarded altogether.


With these thoughts in mind, I decided to act on what I've been encouraging: I met with my neighbors to discuss how we would like to move forward. Regarding Brookside Ranches and the immediately surrounding properties, we respectfully request to be excluded from the rezone to AHA. We wish to retain the right to pursue a rezone that better aligns with our existing parcels and current land uses.

Much like the precedent set by the Bear Hollow community, we ask simply to be left off the map. The area in question extends from 13600 North, south thru Brookside Ranches, including all parcels along Brookside Drive, and from 4400 North east to the Bear River.


As reflected in prior steering committee discussions and voting patterns, the majority of residents are in favor of this position, and we expect The Commission similarly respect our wishes.

Thank you for your time and consideration.

Vance Smith

DocuSigned by:  
  
FC7A575B966349A...

Property Owner Representation- In Favor of Leaving said Property off Zoning Map in  
reference to Box Elder County Planning and Zoning Agenda Item Z25-015

Parcel-06-053-0012 

Parcel-06-053-<sup>0123</sup>~~0013~~

Parcel-06-053-0124

Parcel-06-053-0040 

Parcel-06-053-0125 


Parcel-06-189-0001

Parcel-06-189-0002

Parcel-06-189-0003 

Parcel-06-189-0004 

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Ryan Carter

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Parcel-06-189-0030

Parcel 06-189-0031

Jeff & Luisa Palmer

Jeff & Luisa Palmer