

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES DECEMBER 18, 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	Chairman
Jed Pugsley	Vice-Chair
Lonnie Jensen	Member
Bonnie Robinson	Member
Jared Holmgren	Member
Jennifer Jacobsen	Member
Brandon East	Member
Brian Bowen	Alternate/Member

*the following Staff was present:*

Scott Lyons	Excused
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	Co. Commissioner
Diane Fuhriman	Executive Secretary

**Chairman Mellonee Wilding** called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Jennifer Jacobsen**.  
Pledge was led by **Commissioner Jared Holmgren**.

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

See Attachment No. 1 – Attendance Sheet.

The Minutes of the November 20, 2025 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jed Pugsley** to approve the minutes as written. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

**UNFINISHED BUSINESS**

**ROCHE RANCHES SUBDIVISION NO. 2 and AMENDMENT OF LOT 1, SS25-028, Request for a subdivision amendment, located at 6322 W 17100 N in the Riverside area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is requesting an amendment to the final plat of the Roche Ranches Subdivision Number 1 in the Riverside area of unincorporated Box Elder County. The proposed amendment adjusts the existing Lot 1 East boundary line and shifts it West ~ 5 ft. The amendment will also create a new building lot. The surrounding land uses are Agriculture and Rural Residential. The surrounding zoning is Unzoned.

All county departments have completed their reviews. Staff received an updated plat today and is waiting for the County Attorney to review the title report and the updated plat. Staff is also waiting for the water right to be approved.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve application SS25-028, a request for a subdivision amendment located at 6322 W 17100 N in the Riverside area of Unincorporated Box Elder County and adopting the exhibits, conditions and findings of the staff. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

#### **CONDITIONS**

1. County Attorney approval of the amended plat and title report.
2. State approval of the water rights.
3. Compliance with Chapter 6-1, Subdivisions, of the BEC Land Use Management & Development Code.
4. Compliance with Sections 17-79-711 and 712 of the Utah State Code.

#### **PUBLIC HEARINGS**

**ZONING MAP AMENDMENT, Z25-016, Request for a zone change of 5.50 acres from RR-20 (Rural Residential - 20,000 sq. ft.) to the AHZ (Agricultural Heritage Zone) located at approximately 5912 W 2400 N in the Corinne area of Unincorporated Box Elder County. ACTION**

**Commissioner Brandon East** recused himself from this item.

Staff stated the applicant is requesting that parcel 04-078-0032 (appx. 5.50 acres total) located in the Corinne area be re-zoned from RR-20 (Rural Residential - 20,000 sq. ft. min.) to the AHZ (Agricultural Heritage Zone). The surrounding land uses are Agriculture and Rural Residential 20,000 sq. ft. The surrounding zone is RR-20. There is currently a home on the property.

Staff explained decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.

In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the County.

The decision-making body should state on the record the basis for its decision.

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. West Corinne area: The “Future Land Use” portion of the general plan for the West Corinne area indicates, “as part of the agricultural heritage area, large lot zoning should remain, to encourage continued agricultural activity.”

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The subject property is located in the West Corinne area of unincorporated Box Elder County. The subject parcel and most of those parcels adjacent to them are currently used for agricultural purposes and the proposed zone could be considered harmonious with existing development.

**C. The extent to which the proposed amendment may adversely affect adjacent property; and** 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.** There is a current home on the property. Staff is unaware of the adequacy of future facilities and services in the area; however, if these facilities and services are needed, the applicant would have to verify and bring them into any future project(s).

The public hearing was then opened for comments.

*(See Att. #2 - Statements from Dennis Patterson, Jeff Zogg, Ivan Gallegos, Alvin Gallegos, Lula Gallegos, and Tony Gallegos.)*

Mitch Hancock, applicant, wants to answer a couple of questions regarding the current status of the lot and the buildings. There are employees of the dairy living there on site. They have lived in one residence for probably 20 years, and about 20 months in the trailer in question. There is a small feed lot to the side. Both homes have individual utilities and had individual utilities prior to any installation or any occupancy that was taking place. His goal in changing the zone to the Agriculture Heritage Zone is to hopefully get away from the restrictions and limits of the RR-20 zone, and to meet his need of having employee housing.

Jeff Singh lives down the road from the dairy. He said when he wanted to put his house in, he had to jump through all kinds of hoops and go to all kinds of different meetings. Then to see them just pull that trailer in there that is hooked up with water and power from the other house, just isn't right. He knows the owner is saying the power is on the backside of the house but it's not because that would be in violation of the power company. Mr. Singh agrees with what the rest of the speakers have said. You can't reward bad behavior. For somebody to come in, decide they want to do it their way, and then have the Planning Commission fix it for them, it's not right. Hearing no further comments, a motion was made by **Commissioner Jed Pugsley** to close the public hearing on Zoning Map Amendment Z25-016. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

## ACTION

Commissioner Mellonee Wilding explained while we sympathize with the dust and smell and fly issues, none of that has any bearing on this zoning issue. All we are discussing is a single piece of property; not the feed lot, not the roads, only about that single piece of land. While we commiserate with you and understand your concerns, they do not have efficacy on what is being decided here tonight. She doesn't want anyone thinking they were ignored, but to understand it is just outside our purview.

Commissioner Jed Pugsley questioned if this parcel was included in the Agriculture Protection Area created about a year ago. If so, would that have any bearing on a decision?

County Attorney Stephen Hadfield said zoning changes affecting a particular property in an Agriculture Protection Area have to have the consent of the people in the APA that are being affected by this application, it could have a bearing on it in that way.

**MOTION:** A Motion was made by Commissioner Jed Pugsley to table application Z25-016, a zoning map amendment from RR-20 (Rural Residential - 20,000 sq. ft. min.) to the AHZ (Agricultural Heritage Zone) for up to 6 months due to determine if the parcel in question is currently in an Agriculture Protection Area. The motion was seconded by Commissioner Brian Bowen and passed unanimously.

## NEW BUSINESS

### WOOD AG PROTECTION AREA, APA25-18, Request for an Agricultural Protection Area on multiple parcels located in the Fielding and Tremonton areas of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting to establish an Agriculture Protection Area on multiple parcels in the Thatcher, Fielding, and Riverside areas. The parcels range in size from 3.93 acres to 154.54 acres and are used for farming.

Staff read the standards for reviewing APAs as they apply to this request as follows:

**A. The effect of the creation of the proposed area on the planning policies and objectives of the county;** At this time, the County has nothing in place promoting or restricting the creation of Agriculture Protection Areas. One aspect of Agriculture Protection Areas that affects county planning is that the county cannot change the zoning of or a zoning regulation affecting land within a protection area without written approval from all landowners within the protection area that is affected by the change. While the AHZ allows for agriculture as a use it does allow for development densities that are incidental to the continuance of agricultural activity.

**B. Analyzes and evaluates the proposal by applying the criteria contained in Section 17-81-205;**

**a. Whether or not the land is currently being used for agriculture production;**  
State code defines agricultural production as: Agricultural production means

production for commercial purposes of crops, livestock, and livestock products. Agricultural production includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

**b. Whether or not the land is zoned for agricultural use;** As shown in the table above, zoning for the proposed parcels are AHZ (Agricultural Heritage Zone). This zone allows for agriculture as a land use.

**c. Whether or not the land is viable for agricultural production;** Per the applications submitted, including applicant statements, the land is viable for agricultural production.

**d. The extent and nature of existing or proposed farm improvements; and** These parcels have outbuildings and crops on the property.

**e. In the case of an agriculture protection area, anticipated trends in agricultural and technological conditions applicable to the use of the land in question.** Planning Commissioners with experience in agricultural production may have a better understanding of this.

**C. Recommends any modifications to the land to be included in the proposed agricultural protection area;** The Planning Commission must determine if all parcels should be included in the proposed Agriculture Protection Area.

**D. Analyzes and evaluates any objections to the proposal; and** No objections have been received by staff.

**E. Includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.** This recommendation must come from the Planning Commission to the County Commission.

Following the Planning Commission motion, staff will prepare a recommendation to the County Commission on behalf of the Planning Commission.

**MOTION:** A Motion was made by **Commissioner Brandon East** to forward a recommendation to the County Commission to accept the proposal to create Agriculture Protection Area APA25-18 on parcels in the Thatcher, Fielding, and Riverside areas in unincorporated Box Elder County. The motion was seconded by **Commissioner Lonnie Jensen** and unanimously carried.

**HOLMGREN AG PROTECTION AREA, APA25-19, Request for an Agricultural Protection Area on multiple parcels located in the Hansel Valley area of Unincorporated Box Elder County. ACTION**

**Commissioner Jared Holmgren** recused himself as he is the applicant.

Staff said the applicant is requesting to establish an Agriculture Protection Area on multiple parcels in the Hansel Valley & Blue Creek areas. The parcels range in size from 8.44 acres to 640.00 acres and all produce crops. All 10 parcels were zoned in the Agricultural Heritage Zone, five in the Hansel Valley area and five in the Blue Creek area. If the Planning Commission decides to forward a recommendation to accept the proposal to the County Commission, staff will prepare a recommendation to the County Commission on behalf of the Planning Commission.

**MOTION:** A Motion was made by **Commissioner Brandon East** to forward a recommendation to the County Commission to accept the proposal to create Agriculture Protection Area APA25-19 on parcels in the Hansel Valley & Blue Creek areas in unincorporated Box Elder County. The motion was seconded by **Commissioner Brian Bowen** and unanimously carried.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to adjourn Planning Commission meeting. The motion was seconded by **Commissioner Jed Pugsley** and the meeting adjourned at 7:58 p.m.

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Mellonee Wilding, Chairman  
Box Elder County Planning Commission



18 Dec 2025

## Declaration of Statement

It appears to me Mobile Home permanent occupancy is not permitted in RR-20 or AHZ.

3-10-040

There are 2... not 1 but 2 homes on this 5.5 acre parcel thus falling AHZ base density requirement.

**Timeline.** An older exists on the property. A mobile home as defined in County Code 1-3 was moved to the property around Nov 23 it became occupied approximately 20 months ago, complaint was filed on 29 September 2025 regarding no subdivision, mobile home not allowed in current zoning, substandard living conditions, utility concerns, septic concerns, 3 weeks later the owner applied for a rezone.

~~This doesn't pass the smell test...~~

3-10-060 A.

According to the AHZ formula this parcel has too many homes to meet the five acre base density on paved road 5.5 acres would allow 1.1 homes or 1 home **this property has 2 homes.**

### 2-2-80 E. Criteria falls.

1. Our Community Plan is in General Plan on page 28 AHZ is not. Do Not upset our Community Plan to accommodate someone after a complaint is filed ~~to side step accountability.~~
2. Not harmonious. Substandard housing would hurt the neighbors and their property value, AHZ would allow a meat packing facility NOT harmonious with neighbors.
3. Staff confirmed violation, took their own photos, water appears to be daisy chained, safety concerns now. We are concerned for the people living there.
4. The read ahead packet says the Commission shoulz comply with Article 5 of B.E.Code.

**Box Elder Code 5-1-400 prohibits mobile homes everywhere except in zoning districts that allow them the current zoning and AHZ do NOT allow mobile Homes for permanent occupation.**

**2-4-090 E. Says any building moved contrary to code is unlawful and a public nuisance.**

**5-6-030 Prohibits mobile homes from being used as an Accessory Dwelling Unit.**

**AHZ says must comply with 3-2 and this does not due to safety concerns.**

Zoning debacles can undermine the trust of residents.

Our Community including the neighbors across the street deserve uniform code enforcement as LUDMA and multiple Omsbudsman advisory opinions have said.

Dennis Peterson  
Dennis Peterson

*Photo taken Aug 12 2024*



# Box Elder County Land Use Management & Development Code

## Article 5: Regulations of General Applicability

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### **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.

# Box Elder County Land Use Management & Development Code

## Article 3: Zoning Districts

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### CHAPTER 3-7 Rural Residential District RR-20 and Residential District R-1-20

#### Sections.

- 3-7-010. Purpose.
- 3-7-020. Scope.
- 3-7-030. Definitions.
- 3-7-040. Uses Allowed.
- 3-7-050. Use Regulations.
- 3-7-060. Regulations of General Applicability.
- 3-7-070. Regulations for Specific Uses.
- 3-7-080. Regulations for Uses.

#### **3-7-010. Purpose.**

Residential zones provide a wide range of residential land uses at various densities. These zones are intended to protect the stability of neighborhoods and encourage, collectively, different kinds of compatible residential development. These zones also are intended to promote and preserve in appropriate areas conditions favorable to large-lot family life, maintaining a rural atmosphere, the keeping of limited numbers of animals and fowl, and reducing requirements for public utilities, services and infrastructure.

#### **3-7-020. Scope.**

The provisions of this Chapter shall apply to any real property located in a residential (R-1-20) or rural residential (RR-20) zone as shown on the Official Zoning Map.

#### **3-7-030. Definitions.**

Certain words and phrases in this Chapter, including uses, are defined in Chapter 1-3 of this Code.

# Box Elder County Land Use Management & Development Code

## Article 3: Zoning Districts

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### 3-7-040. Uses Allowed.

- A. Allowed, Permitted and Conditional Uses.** Allowed, permitted and conditional uses allowed in the residential zone shall be as set forth pursuant to Section 3-3-070 in this Chapter. Allowed uses (any land use not requiring approval by a land use authority) are indicated by an “A” in the appropriate column. Uses that may be permitted by a permitted use review issued by the zoning administrator are indicated by a “P” in the appropriate column. Uses that may be permitted by a conditional use permit are indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-.”
- B. Accessory Uses.** Permitted and conditional uses set forth pursuant to Section 3-2-070 in this Chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this Code.
  2. No accessory use, building, or structure shall be allowed on a lot or parcel unless a permitted or conditional use has been and is currently established.

### 3-7-050. Use Regulations.

No building, structure or real property shall be used and no building or structure shall hereafter be erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Code or other laws.

### 3-7-060. Regulations of General Applicability.

The use and development of real property in residential (R-1-20) or rural residential (RR-20) zones shall conform to regulations of general applicability as set forth in the following chapters of this Code.

- A. Regulations Applicable to All Zones. See Chapter 5-1 of this Code.

# Box Elder County Land Use Management & Development Code

## Article 3: Zoning Districts

- B. Off-Street Parking and Loading. See Chapter 5-2 of this Code.
- C. Signs. See Chapter 5-3 of this Code.
- D. Sensitive Lands. See Chapter 4-2 of this Code.

### 3-7-070. Regulations for Specific Uses.

BOX ELDER COUNTY ZONING RESTRICTIONS			
CODE SECTION	"P" = Permitted Use "C" = Conditional Use "C1" = Administrative Conditional Use "A" = Allowed Use "-" = Not permitted	CURRENT ESTABLISHED RESIDENTIAL ZONING DISTRICTS	
			RR-20
3-7-070-1	<b>ACCESSORY USES</b>		
3-7-070-1.1	Accessory buildings and uses customarily incidental to agricultural uses, provided, however, that such accessory buildings are a minimum of 20 feet from any dwelling.	A	A
3-7-070-1.2	Swimming Pool	P	P
3-7-070-1.3	Temporary buildings for uses incidental to construction work, including living quarters for guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work. Mobile homes for temporary living quarters.	C	C
3-7-070-2	<b>RESIDENTIAL</b>		
3-7-070-2.1	Single-family dwelling	A	A
3-7-070-2.2	Home Occupation	C1	C1
3-7-070-2.3	Residential facilities for the elderly and persons with disabilities	C	C
3-7-070-2.4	Household pets	A	A
3-7-070-2.5	Subdivisions	P	P
3-7-070-2.6	Accessory Dwelling Unit (Ordinance 376)	C1	C1
3-7-070-2.7	Internal Accessory Dwelling Unit	P	P

# Box Elder County Land Use Management & Development Code

## Article 3: Zoning Districts

		RR-20	R-1-20
3-7-070-2.8	<p>Residential Wind Tower</p> <p>Approval Standards are as follows:</p> <ol style="list-style-type: none"> <li>1. 1.5 acre lot</li> <li>2. Tower height - including any vertical projection above the tower - shall not exceed the distance measured from the base of the tower to the nearest property line.</li> <li>3. Clearance of Blades – shall not extend within 20’ of ground</li> <li>4. Automatic Over Speed Controls – must meet design limits of residential wind energy systems.</li> <li>5. Sound shall not exceed 60 dBA</li> <li>6. Must be a certified Residential Wind Turbine (or submit a description of the safety features of the turbine prepared by a registered mechanical engineer).</li> <li>7. Applicant must show proof they have notified utility company.</li> <li>8. Compliance with building code, Federal Aviation Administration regulations, and National Electric Code.</li> </ol>	-	C
3-7-070-3	<b>AGRICULTURE</b>		
3-7-070-3.1	Agriculture	A	A
3-7-070-3.2	Animals and Fowl for Recreation and Family Food Production	A	A
3-7-070-3.3	Fruit/vegetable stand	C	C
3-7-070-4	<b>PUBLIC USES</b>		
3-7-070-4.1	Public or quasi-public facilities	C	C
3-7-070-4.2	Essential service facilities	C	C
3-7-070-4.3	Private schools	C	C
3-7-070-4.4	Cemeteries	C	C
3-7-070-4.5	Churches	C	C
3-7-070-4.6	Dams and reservoirs/retention ponds	C	C

# Box Elder County Land Use Management & Development Code

## Article 3: Zoning Districts

		RR-20	R-1-20
3-7-070-5.7	Radio and television transmitting stations or towers (including repeating towers)	C	C
3-7-070-5.8	Recreation trails	C	C
3-7-070-5.9	Railroad and utility lines rights-of-way and substations, etc.	C	C

### 3-7-080. Regulations for Uses.

		RR-20 & R-1-20
3-7-080-1	<b>AREA REGULATIONS</b>	
3-7-080-1.1	The minimum lot area in square feet for any main use shall be:	20,000 sq. ft.
3-7-080-2	<b>WIDTH REGULATIONS</b>	
3-7-080-2.1	The minimum width in feet for any lot in the districts regulated by this chapter shall be:	100 feet
3-7-080-3	<b>FRONTAGE REGULATIONS</b>	
3-7-080-3.1	The minimum width of any lot at the street right-of-way line in feet in the districts regulated by this Chapter shall be:	100 feet
3-7-080-3.2	The minimum width along the radius for cul-de-sac lots in feet shall be:	50 feet
3-7-080-4	<b>FRONT YARD REGULATIONS</b>	
3-7-080-4.1	The minimum depth in feet for the front yard for main buildings and accessory buildings shall be:	30 feet
3-7-080-4.2	Where the existing minimum right-of-way on which the lot front is less than 66 feet, the setback shall be measured from the center line and in feet shall be no less than:	66 feet
3-7-080-5	<b>REAR YARD REGULATIONS</b>	
3-7-080-5.1	The minimum depth in feet for the rear yard for main buildings shall be:	30 feet
3-7-080-5.2	Accessory buildings, *Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	3* feet

# Box Elder County Land Use Management & Development Code

## Article 3: Zoning Districts

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<b>3-7-080-6</b>	<b>SIDE YARD REGULATIONS</b>	
<b>3-7-080-6.1</b>	The minimum side yard in feet for any main building shall be:	<b>15 feet</b>
<b>3-7-080-6.2</b>	Accessory buildings, *Minimum setback reduced to 3 feet so long as they do not encroach on a public utility easement.	<b>3* feet</b>
<b>3-7-080-7</b>	<b>HEIGHT REGULATIONS</b>	
<b>3-7-080-7.1</b>	The maximum height for all buildings and structures shall be:	<b>35 feet or 2 ½ stories</b>
<b>3-7-080-8</b>	<b>COVERAGE REGULATIONS</b>	
<b>3-7-080-8.1</b>	The maximum coverage in percent for any lot shall be:	<b>40%</b>

# Box Elder County Land Use Management & Development Code

## Article 5: Regulations of General Applicability

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

- 5-6-010. Title.
- 5-6-020. Purpose.
- 5-6-030. General Regulations.
- 5-6-040. Definitions.
- 5-6-050. Conditional Use Permit Required.
- 5-6-060. Development Standards.
- 5-6-070. Inspections.
- 5-6-080. Affidavit.

#### **5-6-010. Title.**

The regulations contained in this Chapter shall be known and may be cited as “Accessory Dwelling Unit Regulations” and “Internal Accessory Dwelling Unit Regulations” of Box Elder County and its Land Use Management and Development Code.

#### **5-6-020. Purpose.**

The county recognizes that accessory dwelling units (ADUs) and internal accessory dwelling units (IADUs) in zones that allow a single-family residence can be an important tool in the overall housing plan for the county. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.
- B. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- C. Provide for affordable housing opportunities.
- D. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

#### **5-6-030. General Regulations.**

- A. Except as provided in this Code, no ADU or IADU shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the use district in which it is located.
- B. All ADUs and IADUs hereafter erected in Box Elder County shall comply with the current standards of the International Residential Code, and all other codes and ordinances adopted by Box Elder County.

# Box Elder County Land Use Management & Development Code

## Article 5: Regulations of General Applicability

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- C. All ADUs and IADUs must be reviewed and approved for septic feasibility by the Bear River Health Department.
- D. All ADUs and IADUs shall be maintained in good condition.
- E. No person may engage in the business of erecting, altering, relocating, or constructing ADUs or IADUs without a valid Utah contractor's license, and valid County business license.

### 5-6-040. Definitions.

**Accessory Dwelling Unit:** A self-contained dwelling unit located on an owner occupied property that is in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

**Internal Accessory Dwelling Unit:** A self-contained dwelling unit within or attached to a single family residential building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

**Owner Occupancy:** When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

### 5-6-050. Permitted and Administrative Conditional Use Permit Required.

An ADU meeting the regulations and standards, as specified in this chapter, may be allowed in any zone that allows a single-family residence after approval of an administrative conditional use permit (§2-2-110) by the zoning administrator. IADU's meeting the regulations and standards, as specified in this chapter, are allowed as a permitted use in any zone that allows a single-family residence.

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

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit, the ADU, or IADU as their permanent residence. Applications for an ADU or IADU shall include evidence of owner occupancy as defined in section 5-6-040 of this chapter.
- B. ADUs or IADUs shall not be sold separately from the main unit.
- C. ADUs or IADUs shall not be rented on a transient basis (periods less than 30 days).
- D. Only one (1) ADU or IADU may be created per lot or property in zones that allow single-family dwellings.
- E. The design and size of the ADU or IADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- F. Installing separate utility meters and separate addresses for the ADU or IADU is prohibited.

# Box Elder County Land Use Management & Development Code

## Article 5: Regulations of General Applicability

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- G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence.
- H. The occupants of the ADU or IADU shall be related to each other by blood, marriage, or adoption; or up to two (2) unrelated individuals who are living as a single housekeeping unit. The Occupants of the ADU or IADU shall not sublease any portion of the ADU or IADU to other individuals.
- I. The minimum lot size required for construction of an ADU or IADU in all zones that allow single-family dwellings shall be twenty thousand (20,000) square feet.
- J. ADUs or IADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- K. ADUs or IADUs and the main dwelling must be on the same parcel and may not be subdivided.
- L. ADUs shall be compatible with the exterior color and materials of the surrounding area. IADUs shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.
- M. The maximum height for ADUs or IADUs shall be no taller, in elevation, than the roof of the primary structure.
- N. A minimum of one (1) off street parking space must be provided for the ADU or IADU.
- O. Where an existing subdivision has CC&Rs in place that govern ADUs the more restrictive regulation shall govern the use and development of that subdivision.
- P. The zoning administrator may place other appropriate or more stringent conditions deemed necessary in approving ADUs as per the standards found in Section 2-2-110, Administrative Conditional Use Permit.
- Q. Multi-family homes, mobile homes, RV's, trailers, campers, tents, and/or any other temporary structure and/or vehicle shall not qualify as an ADU or IADU.

### **5-6-070. Inspections.**

Following the issuance of a conditional use permit, the Building Official of Box Elder County may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the building department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued.

### **5-6-080. Affidavit.**

Applicants for ADUs or IADUs shall provide an affidavit stating that the owner of the property will occupy either the primary dwelling unit, accessory dwelling unit, or internal accessory dwelling unit as defined in section 5-6-040 and comply with all other requirements of this chapter. Upon approval of the ADU or IADU, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU or IADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize the ADU or IADU.

# Box Elder County Land Use Management & Development Code

## Article 5: Regulations of General Applicability

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Affidavit and Notice of Accessory Dwelling Unit and Related Regulations  
(To Be Completed, Signed and Recorded at Box Elder County by Property Owner)

Property Owner(s) Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_

Parcel Number: \_\_\_\_\_

Complete Legal Description:

I (we) \_\_\_\_\_, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property listed above: that I (we) occupy the property listed above. I (we) certify that the second dwelling unit on the property is an accessory dwelling and understand that a future purchaser of the property will be required to reauthorize the accessory dwelling unit in order to continue the use. I (we) also understand that any use of the accessory dwelling unit on the property is contingent on the owner of the property occupying either the principal or accessory dwelling unit and compliance with the provisions of the Box Elder County Code.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

After recording, provide a copy to: Box Elder County Planning & Zoning Office 1 S. Main Brigham City, UT 84302

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**Reg. of General Applicability: Accessory Dwelling Units 5-6-4**

# Box Elder County Land Use Management & Development Code

## Article 5: Regulations of General Applicability

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Affidavit and Notice of Internal Accessory Dwelling Unit and Related Regulations  
(To Be Completed, Signed and Recorded at Box Elder County by Property Owner)

Property Owner(s) Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_

Parcel Number: \_\_\_\_\_

Complete Legal Description:

I (we) \_\_\_\_\_, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property listed above: that I (we) occupy the property listed above. I (we) certify that the second dwelling unit on the property is an internal accessory dwelling and understand that a future purchaser of the property will be required to reauthorize the internal accessory dwelling unit in order to continue the use. I (we) also understand that any use of the internal accessory dwelling unit on the property is contingent on the owner of the property occupying either the principal dwelling unit or internal accessory dwelling unit and compliance with the provisions of the Box Elder County Code.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

After recording, provide a copy to: Box Elder County Planning & Zoning Office 1 S. Main Brigham City, UT 84302

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**Reg. of General Applicability: Accessory Dwelling Units 5-6-5**

# Box Elder County Land Use Development & Management Code

## Article 2: Administration and Enforcement

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### **Chapter 2-4 – Enforcement**

Box Elder Land Use Development & Management Code

#### **Sections:**

- 2-4-010. Purpose.
- 2-4-020. Scope.
- 2-4-030. Definitions.
- 2-4-040. Enforcement Authority.
- 2-4-050. Issuance of Permits.
- 2-4-060. Types of Violations.
- 2-4-070. Remedies and Enforcement Powers.
- 2-4-080. Nonconforming Use as Affirmative Defense.
- 2-4-090. Enforcement Procedures.
- 2-4-092. Civil Penalty Procedures.
- 2-4-094. Criminal Penalty Procedures.
- 2-4-100. Other Enforcement Matters.
- 2-4-110. Appeal.

#### **2-4-010. Purpose.**

The purpose of this Chapter is to establish the remedies, penalties, and procedures for enforcement of this Code.

#### **2-4-020. Scope.**

The remedies, penalties, procedures, and other matters set forth in this Chapter shall apply to any violation of the provisions of this Code. The remedies, penalties and procedures set forth herein are not intended to limit or waive any remedies or rights provided under the law.

#### **2-4-030. Definitions.**

Certain words and phrases in this Chapter are defined in Chapter 1-3 of this Code.

#### **2-4-040. Enforcement Authority.**

This Code shall be administered and enforced by the Zoning Administrator.

# Box Elder County Land Use Development & Management Code

## Article 2: Administration and Enforcement

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### **2-4-050. Issuance of Permits.**

Every official and employee of the County who is vested with the duty or authority to issue permits shall conform to the provisions of this Code and shall issue no permit, certificate, or license for a use, building, or purpose in conflict with the provisions of this Code. Any permit, certificate, or license issued in conflict with the provisions of this Code, intentionally or otherwise, or which is issued upon a false statement of fact material to the issuance of the permit shall be void.

### **2-4-060. Types of Violations.**

- A. Unlawful Acts.** It shall be unlawful for any person to violate any provision of this Code, cause the violation of any provision of this Code, or fail or refuse to do some act required under this Code, including, but not limited to, any of the following acts:
1. To engage in any development, use, construction, remodeling, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the County without all of the required permits, approvals, certificates, and other forms of authorization required by this Code or other County ordinance in order to conduct or engage in such activity;
  2. To engage in any development, use, construction, remodeling, or other activity which is contrary to the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in such activity;
  3. To violate, by act or omission, any lawful term, condition, or qualification placed by the County Commission, Planning Commission, Hearing Officer, or officer of the County, as applicable, upon a required permit, certificate, or other form of authorization or approval granted by the County Commission, Planning Commission, Hearing Officer, or other County officer allowing the use, development, or other activity upon land or improvements thereon;
  4. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure, or to use any land in violation of this Code;
  5. To reduce or diminish any lot area so that setbacks or open spaces shall be smaller than prescribed by this Code and any applicable site plan or subdivision plat;
  6. To remove, deface, obscure, or otherwise interfere with any notice required by this Code.
- B. Persons Liable.** The owner, owner's agent, tenant and/or occupant of any building or land or part thereof and any builder, contractor, agent and/or other person who participates in, assists, directs, or creates any situation that is contrary to the requirements

# Box Elder County Land Use Development & Management Code

## Article 2: Administration and Enforcement

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of this Code may be held responsible for the violation and be subject to the penalties and remedies provided herein.

### **2-4-070. Remedies and Enforcement Powers.**

Any violation of the provisions of this Code shall be subject to the enforcement remedies and penalties provided by this Chapter and by Utah law, including, but not limited to, any of the following:

- A. Withhold Permit.** The County may deny or withhold all permits, certificates, or other forms of authorization pertaining to any land or improvements when an uncorrected violation exists with regard to such land or improvement pursuant to this Code or to a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County Commission, Planning Commission, Hearing Officer, or other County officer. The County may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the original applicant or owner or current applicant or owner is responsible for the violation in question.
- B. Revoke Permit.** Any permit may be revoked by the Zoning Administrator when the Zoning Administrator determines the permit was procured by false representation or was issued by mistake.

  - 1. When a permit is revoked hereunder for false representation or mistake, a notice of a revocation shall be in writing and may be served upon the owner, the owner's agent or contractor, or upon any person employed at the site of the building or structure for which such permit was issued. A notice of revocation shall be posted in a prominent location; and, thereafter, no such construction shall proceed under such permit.
  - 2. When plans conflict with applicable requirements, in lieu of revoking a permit, such plans may be modified to conform with applicable requirements as determined appropriate by the Zoning Administrator.
  - 3. When a mistake has been made calculating the fee for any permit, the proper fee shall be assessed and paid by the permit holder within ten (10) days of notification.
- C. Stop Work.** In accordance with its power to stop work under the building code, the County may stop work, with or without revoking permits, on any building or structure on land where there exists an uncorrected violation of a provision of this Code, a permit, or other form of authorization issued hereunder.

# Box Elder County Land Use Development & Management Code

## Article 2: Administration and Enforcement

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- D. Revoke Plan or Other Approval.** Where a violation of this Code involves failure to comply with approved plans or a condition upon which plan approval was subject, the original authorizing or approving body or officer may, after ten (10) days' notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a hearing:
1. Revoke the plan or other approval; or
  2. Condition its continuance on strict compliance, the provision of security, or such other conditions as the original authorizing or approving body or officer may reasonably impose.
- E. Injunctive Relief.** The County may seek an injunction or other equitable relief in the district court to stop, prevent or enjoin any violation of this Code, or a permit, certificate, or other form of authorization granted hereunder.
- F. Abatement.** The County may seek a court order from the district court in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition which existed prior to the violation.
- G. Penalty.** A violation of any provision of this Code shall be punishable either:
1. As a class C misdemeanor upon conviction, or
  2. By imposing a civil penalty as provided in Section 2-4-092 of this Code.
- H. Separate and Continuing Violation.** Each day that any violation of this Code is committed, maintained, continued or permitted shall be considered a separate offense for purposes of the penalties and remedies available to the County. Accumulation of the penalties for violations, but not the obligation for payment of penalties already accrued, shall stop on correction of the violation.
- I. File a notice of noncompliance.** File a notice of noncompliance with the County Recorder's Office.
- J. Other Remedies.** The County shall have such other remedies as are and as may be from time to time provided by Utah law or County ordinance for the violation of any provision of this Code.
- K. Remedies Cumulative.** These remedies shall be cumulative.

# Box Elder County Land Use Development & Management Code

## Article 2: Administration and Enforcement

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### 2-4-080. Nonconforming Use as Affirmative Defense.

It shall be an affirmative defense to the enforcement of the provisions of this Code that the action complained of is a legally nonconforming lot, nonconforming use, Noncomplying structure, or other nonconformity as governed by the provisions of Chapter 2-3 of this Code.

### 2-4-090. Enforcement Procedures.

- A. **Complaints.** The Zoning Administrator may investigate any purported violation of this Code and take action as is warranted in accordance with the provisions and procedures set forth in this Chapter.
- B. **Notice of Violation.** If the Zoning Administrator determines that any provision of this Code is being violated and immediate enforcement action is not necessary under the circumstances, the Zoning Administrator shall provide a written notice of violation to the property owner or any other person determined to be responsible for the violation. Such written notice of violation shall indicate the nature of the violation, the action necessary to correct the violation, the warning period established before further enforcement action or penalties, and the potential enforcement action and/or penalties to be imposed for failure to cure the violation within the established warning period. Such notice of violation shall serve to start the warning period.
- C. **Warning Period.** Unless otherwise determined by the Zoning Administrator, the warning period for correction of violations set forth in the notice of violation shall be ten (10) days from the receipt of the notice of violation. If the violation remains uncured after expiration of the warning period, the Zoning Administrator may pursue further enforcement action in accordance with the provisions of this Chapter to achieve compliance with this Code.
- D. **Immediate Enforcement.** In the case of a violation involving either continuing construction or development, or an emergency situation, as reasonably determined by the Zoning Administrator, the County may use the enforcement powers and remedies available to it under this Chapter without prior notice or notice of violation, in such case, the Zoning Administrator shall send the notice to the same parties set forth in the subsection (B) simultaneously with the beginning of enforcement action.
- E. **Enforcement and Abatement.** Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained; or any land, building, or premises used contrary to the provisions of this Code is hereby declared to be unlawful and a public nuisance. The County Attorney, Prosecutor or other authorized legal counsel may

# Box Elder County Land Use Development & Management Code

## Article 2: Administration and Enforcement

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commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law. The County Attorney, Prosecutor or other authorized legal counsel may also take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any building, structure, or property contrary to the provisions of this Code.

### 2-4-092. Civil Penalty Procedures.

- A. **Citation of Civil Penalties.** If any violation of this Code remains uncured after issuance of a notice of violation and expiration of the warning period, a citation of civil penalties may be issued to the property owner or other person determined to be responsible for the violation in accordance with the notice of violation.
- B. **Civil Penalties Imposed.** The civil penalty to be imposed for any given violation may be imposed in accordance with the civil penalties fee schedule adopted by the County. Penalties shall be imposed on a graduated scale providing for the first and recurring violations. If a violation is corrected but reoccurs on the same property within one year from the imposition of any civil penalty, any subsequent violation within such one year period shall subject the person to the recurring violation penalty. Civil penalties may not be imposed for a civil violation that occurs in conjunction with another criminal violation as part of a single criminal episode that will be prosecuted in a criminal proceeding.
- C. **Request for Hearing.** Any person having received a citation of civil penalties may request a hearing before a hearing officer by filing a written application for hearing. Such request for hearing shall be filed prior to the due date for the civil penalties. The hearing shall be held in accordance with the hearing procedures set forth in Subsection (D) below.
- D. **Hearing Procedures.** Any civil penalty hearing shall be held as a public meeting with business transacted during County regularly scheduled hours. A civil penalty hearing shall provide for due process for the parties and shall be recorded or otherwise documented so that a true and correct transcript may be made of the proceedings.
- E. **Appeal.** Any person aggrieved of the hearing officer's determination regarding the imposition of civil penalties for a Code violation may appeal such final administrative determination to the Hearing Officer in accordance with the appeal procedures set forth in Section 2-2-180 of this Code.

# **Box Elder County Land Use Development & Management Code**

## **Article 2: Administration and Enforcement**

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### **2-4-110. Appeal.**

Any person adversely affected by a final decision of the Zoning Administrator regarding the provisions of this Chapter may appeal that decision to the Hearing Officer as provided in Section 2-2-180 of this Code.

12/17/25

## Tony Gallegos Statement

My name is Tony Gallegos. We bought about 10 acres 70 years ago and have lived on 5905 W 2400 N across the road (South) of the parcel the hearing is for.

We have seen our living conditions steadily decline over the years due to decisions made by the Noosun operation, our property value has suffered from it as well.

I do not like having run down worker housing directly across the street from my home or the very bright lights at night. I especially do not like or want the dilapidated mobile home with no yard and haphazard utilities that are probably not up to code. People do live in the mobile home. We have routinely seen cars parked there day and night. It is an ugly eyesore and it is right across the street. The door on the west of the mobile home doesn't even have stairs! This seems like a ridiculous hazard and proof of the owner's disregard for our local community. Frankly, it is embarrassing.

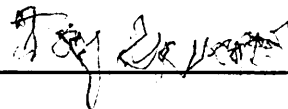
I believe the mobile home the people are living in has a water supply daisy chained from the other house. This seems illegal and was done intentionally. The waterline between house and mobile home has frozen up in the past. How do you get a permit without a will serve letter and connection from the water company?

To me the ugly dilapidated mobile home is just another example of how our living conditions have deteriorated in recent years due to decisions made by the owners.

**Why did they not place the eyesore mobile home in front of their residence???**

I understand Jeff Zogg filed a complaint on the mobile home and related issues in September 2025 and if things were not done 100% legal, I believe there should be accountability for intentional bad behavior, Zoning should be planned not just changed to award and protect someone who went rogue for their benefit. Answer Jeff's complaint first. Leave the zoning alone. Remove the mobile home.

Signed



## Tony Gallegos Statement

We purchased approximately 10 acres at 5905 W 2400 North over 70 years ago and have lived there and raised a family. Our living conditions declined steadily due to decisions made by the last two owners. Mitch Hancock has NOT been a good neighbor to us.

The largest issues.

Super bright lights shining towards us are very annoying and unhealthy at nighttime.

They built a dirt road a few feet from our home. Large amounts of dust are often created by very large heavy equipment using the road often (I'm on oxygen).

The mobile home across the street looks to me like they haphazardly ran the utilities (water, power, permits and such without doing things the way you're supposed to and it is an eye sore. It has caught on fire in the past.

We do NOT want the mobile home across the road from us.

Signed Tony Gallegos  
12-17-25

Date 6-17-25

## **Lula Gallegos Statement**

I Lula Gallegos live at 5905 W. 2400 N. West Corinne Utah.

For exercise I walk the perimeter of my home/pasture every day. I know people that work for the dairy live in the mobile home and hang their clothes out to dry.

I have seen them checking the mailbox, lights on often at night and on some occasions loud music and people hanging out drinking and more traffic.

Please do NOT rezone the property .

I propose the owner rezone the property in front of his home for worker housing instead.

Signed Lula Gallegos

Date 12/17/2025

## **Alvin Gallegos Statement**

I live at 5905 W. 2400 N. Corinne, Ut across the road from the property the hearing is for.

The Noosun operation moved a mobile home to the property across the street just over two years ago. People moved into the mobile home sometime around 20 months ago.

Both (2) residences are occupied and the water supply goes from the house to the mobile home so both residences use the same water supply. I have been told this is not allowed by the water company.

The waterline between the house and mobile home froze up last winter, the occupants started a fire on the side of the mobile home to unthaw the pipe nearly catching the mobile home on fire.

People do live in the mobile home but the backdoor on the West side does not have any stairs. We have seen them barbecuing and hanging their clothes outside to dry on a wire.

We have many times seen the people that occupy the trailer open our mailbox when checking their mail.

We have endured for many years very intense bright lights from the dairy shining towards our home at night and when they built a dirt road close to our home used often by huge equipment and dirt bikes, etc... the dust is terrible (my father is on oxygen). Many years ago it was not this way. The size and intensity of operations next to us has increased dramatically. There is no point in us washing the car due to extreme dust.

Noosun has had a very negative impact on my family's living conditions.

We do not want to live next to worker housing like the mobile home and do not want to live next to a meatpacking/butcher operation that the rezone would allow.

Why not put the meat packing and worker housing next to their own residence?

Signed *Alvin Gallegos*

Thursday

12/11/2025

Dark blue sedan park  
there All Day & night  
Red Sedan Sedan 5:10  
p.m Show up pick up  
person.

5:15 pm left

6:10 pm Comes back

Back

Stay All night

12/12/2025 Friday

Dark blue Sedan still  
parked Red Sedan 4:14  
Am left Red

Red Sedan came back 1:21  
pm Two occupants in car  
Driver checks mailbox  
Stay All Night

Saturday

12/13/2025

4:30 pm left Red Sedan

5:45 pm Red Sedan

Arrived Stay All Night

Dark Blue sedan still

parked

12/14/2025 Sunday

Red Sedan stayed All  
Day and night

Blue Sedan parked

12/15/2025 Monday

9:09 pm Red Sedan  
shows up stays all  
night

12/16/2025 Tuesday

Dark Blue Sedan is  
there

Red Sedan shows up  
5:15 pm stays All night

12/17/2025 Wednesday

Dark Blue Sedan  
still parked

Red Sedan also

Black Sedan dropped  
person off

12/18/2025 Thursday

Dark Blue Sedan  
and Red Sedan

parked there.

F Alvin Collegos  
witness all of the Above

**Public Comment for the record of the Box Elder County Planning Commission public hearing, Thursday December 18, 2025 at 7:00 p.m., re: Zoning Map Amendment Z25-016**

Dear Commissioners,

My name is Jeff Zogg, and I've lived at 6060 West 2400 North for over 30 years. I have witnessed firsthand how one landowner's negligence impacts my quality of life and enjoyment of property, and that of my neighbors and community. I urge the Planning Commission to submit a **recommendation of denial** to the County Commissioners for this amendment, and to require the same compliance every other resident must follow.

I have current, outstanding complaints filed with the county regarding the occupied mobile home located on this parcel that is in violation of our county code, as well as **Noo Sun Dairy's lighting violation**. These violations, and my complaint, **must be resolved** before a zoning map amendment is ever even considered. After agreeing that the mobile home is in violation, the county stated the Planning Commission would take this matter up **after** the area is rezoned. In response to my concern that you cannot break the rules first, then change the zoning to agree with your violation, Destin Christiansen stated that the application for the zone change was already going to the Planning Commission for a public hearing. This correspondence is attached to my comment.

Further, our county code requires the base density for the AHZ to be 5 acres if the lots will be connected to a culinary tap from a water company and located along a paved road; the base density for lots that are connected to a well or that are along a gravel road shall be 10 acres. This is not the case for the applicant parcel, and therefore the Planning Commission needs to deny the amendment. There are also 2 homes on the property; I've regularly seen people leave and return home to the mobile trailer, and there are two cars parked at it that the residents use. When my neighbor had to go through the subdividing process, he was required to get the perc tests, the water hookup, electrical, before he could do anything to build his house. How can one landowner just do it without that same permitting process?

**This parcel has long been in violation of our county code; the county should not reward bad behavior by attempting to retroactively correct violations with spot zoning changes.**

Back when it was only small farms around, truck traffic was never bad. Now, it's constant. I have over **20 trucks per hour** passing my home, jake braking around the corner, creating dangerous conditions and disturbing the peace. Extremely bright lights shine everywhere – other than onto the property they're meant for with no regard for us as neighbors. Poor management, inappropriate expansion, and negligence of a nearby landowner has made it so I cannot even sit outside my home without being overcome with flies. Even when I owned animals, there was never a fly problem.

I urge the Commission to promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare, as they are tasked to do on behalf of our community, **by recommending a denial for Zoning Map Amendment Z25-016.**

Signed,

Date DEC 17 2025

## Ivan Gallegos Statement

I live across the street. We see people living in the mobile home, they have lived there about 20 months, barbecuing, drinking beer and listening to loud music at times. They leave around 4 AM in the morning. We have serious concerns about how the utilities were installed, water, electrical, septic. The water supply from the house to the mobile home froze last winter and trying to unthaw the pipe they almost burnt the mobile home down. There is a large propane tank at the mobile home. We have many photos of lights on at night etc...

I have filed a complaint on this same property and do not think it appropriate to rezone the property that has violations.

**Fails Base Density for AHZ because there are two homes on 5.5 acres.**

**The current zone and the requested Zone (AHZ) do NOT allow mobile homes.**

**AHZ allows for meat packing facility and that is NOT harmonious with our property or Zone. As neighbors we do NOT want a meat packing facility here.**

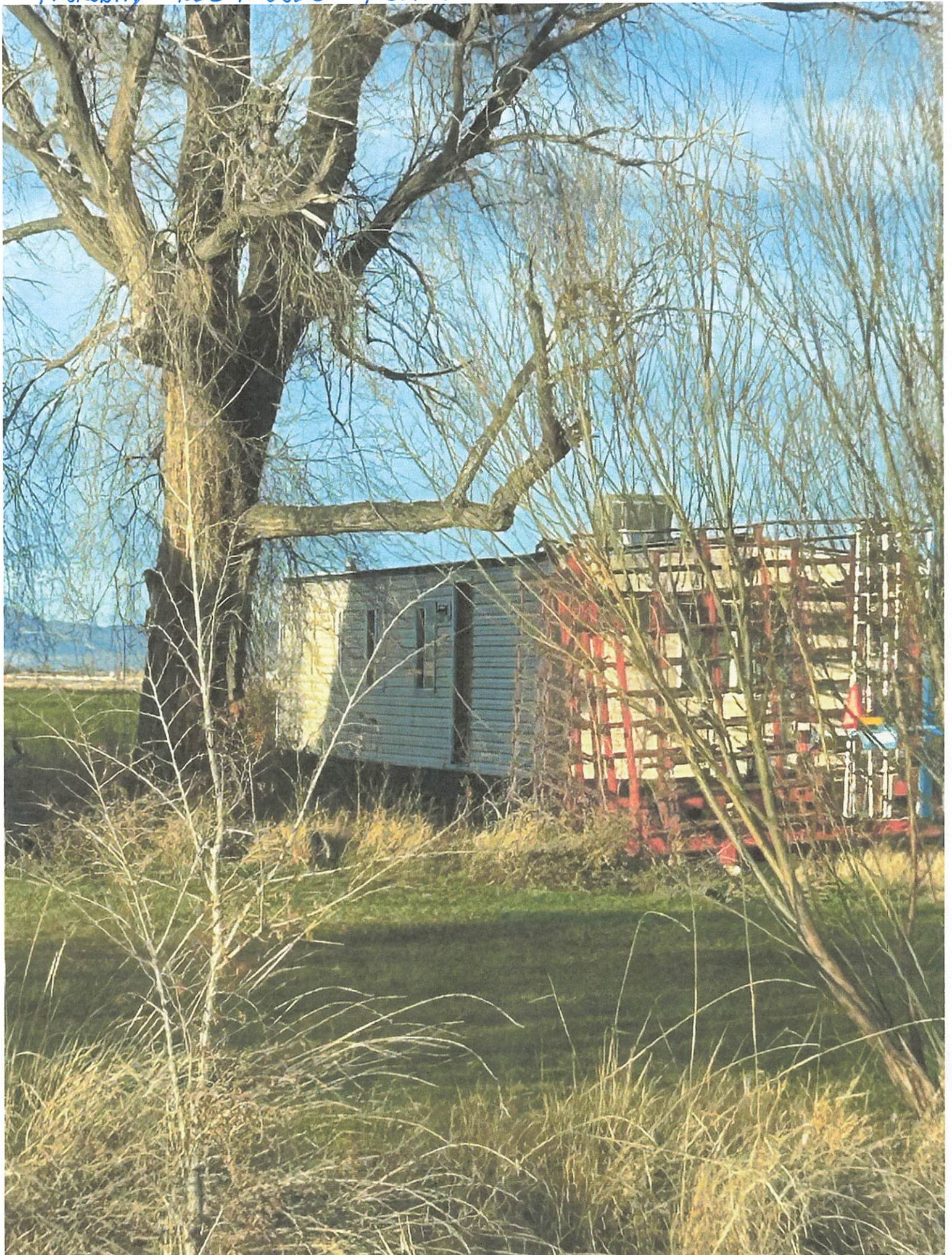
- From AHZ: "In the case of any conflicts concerning standards or uses within this zone and other Sections of the Box Elder County Land Use Management and Development Code, the AHZ shall prevail. **Existing uses not allowed in Section 3-10-040, shall become legal non-conforming and are subject to Chapter 2-3.**"

Should the AHZ rezone be approved, in Chapter 2-3, it states: "*No provision of this Chapter shall be construed to allow continuation of any nonconforming use, structure, or other nonconformity when it is detrimental to public health or safety. The right to continue use of a nonconforming use, noncomplying structure, or other nonconformity shall be subject to the life safety requirements of applicable housing, building, health, and other life safety codes.*" The mobile home is not up to code, does not follow applicable housing codes, and is unsafe for inhabitants and the community.

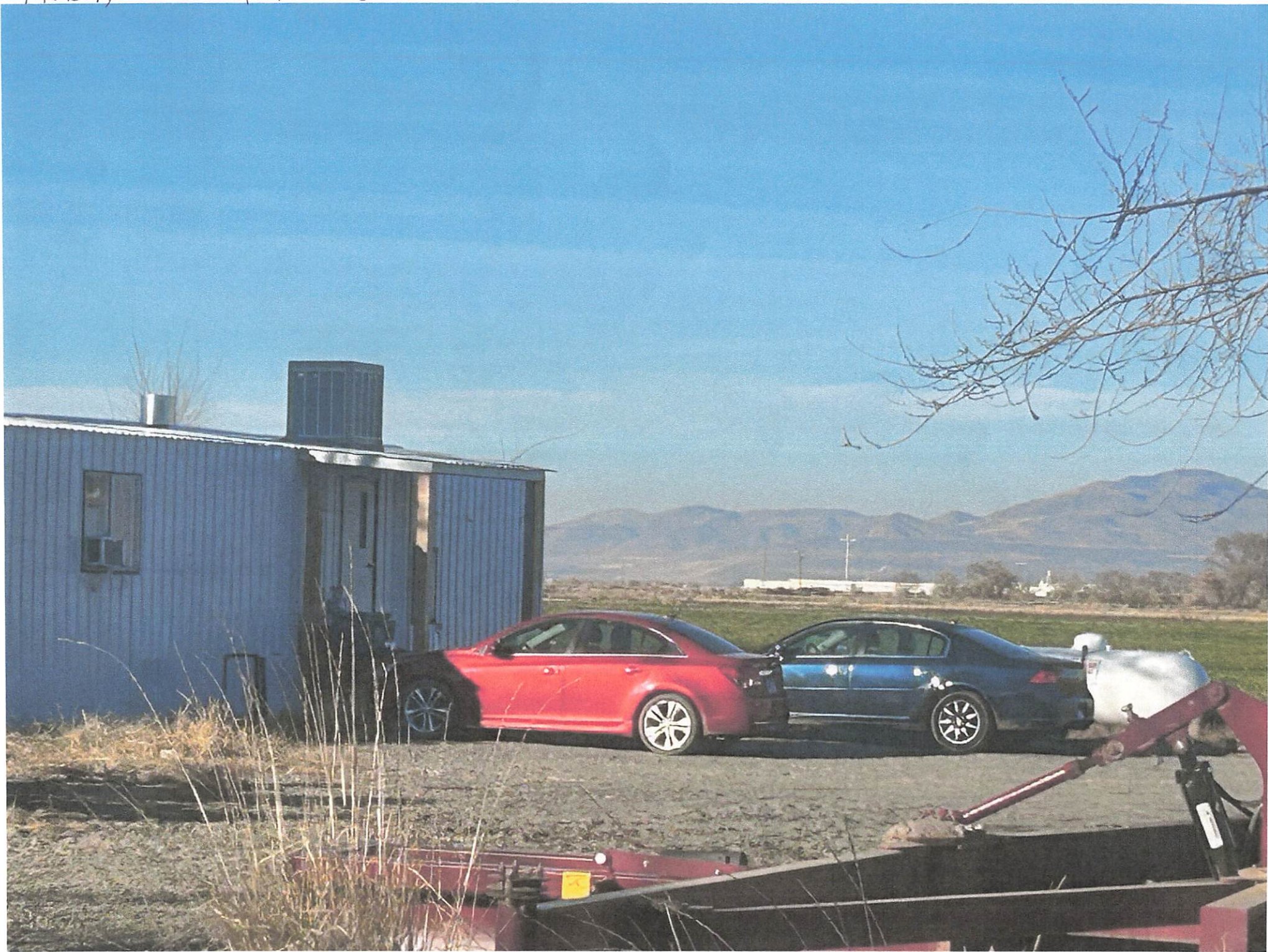
Signed



THURSDAY DEC 11 2025 4:06 PM.



FRIDAY DEC 12 2025 2:27PM



THURSDAY DEC 11, 2025 4:06PM



DEC 12, 2025 4:06 AM FRIDAY



FRIDAY DEC 12, 2025 4:12 AM



DEC. 11, 2025 . 4:06 PM



THURSDAY DEC 11-2025 4:09 PM.



FRIDAY DEC 12-2025 4:06 AM



WEDNESDAY 4:41 AM.



DEC 10. 2025 4:41 AM WED

