

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
June 25, 2025**

The Millard County Planning Commission met on Wednesday June 25, 2025, at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Erin Sorenson Planning Commission Chairman
Phil Morrison Planning Commissioner
Shane Church Planning Commissioner
Wayne Jackson Planning Commissioner
Phil Diaz Planning Commissioner
Pat Manis Planning Commissioner

EXCUSED: DeMar Iverson Planning Commissioner
Denton Peterson Millard County Deputy Attorney
John Nye Planning Commission Vice Chair

ALSO PRESENT:

Adam Richins Millard County Planner
Mallori Wood Secretary
Bill Wright Millard County Commissioner
Vicki Lyman Millard County Commissioner
Mark McDougal Triple C Farms
Sadie Church SFC Tec
Kyle Ashby Millard County Resident
Elaine Brown Millard County Resident
Dennis Aldredge Fillmore City
Jarvis Jones Millard County Resident
Alden Evans Millard County Resident
Ron Larsen Jones & DeMille
Daron Smith Millard County Resident
Lane Livingston Creekstone Energy
Shane Steere Cobalt
Jason May Styler Daniels
Jarvis Jones Millard County Resident
Abby Ivory Economic Development

Larry L. Dutson Dutson Supply
Dave Gray.....Triple C Farms
Richard Jacobson Millard County Sheriff
Sue Peterson Millard County Resident
Matt Ward Millard County Chronicle Progress

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED to each member of the Planning Commission, posted at the Millard County Offices in Delta, the Public Safety Building in Fillmore, and the Main Street Courthouse in Fillmore, posted on the Utah Public Notice Website and the Millard County Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah as required by law, the following proceedings were had:

1. WELCOME, CALL TO ORDER- Commissioner Erin Sorenson called the meeting to order at 6:32 pm. She welcomed all present.

2. PUBLIC INPUT – There wasn’t any public input.

3. PUBLIC HEARING C-2 Conditional Use Permit Application #Z-2025-035 for Data Center and Electrical Generating Facility located at approximately 4500 E & HWY 50 Delta. Fibernet MercuryDelta, LLC, Applicant.

Commissioner Phil Diaz made a MOTION to open the public hearing. Commissioner Wayne Jackson SECONDED the motion. Voting was unanimous in the affirmative.

Kyle Ashby approached the commission. He lives across the street from the proposed location and stated what conditions he would like to have imposed if the commission sends a favorable recommendation to the BOCC.

Jarvis Jones approached the commission. He stated also stated the conditions he would like imposed.

Alden Evans approached the commission. He stated he is worried about water in the area but believes this will be a good thing for Millard County.

Elaine Brown approached the commission. She is worried about fire suppression and would like the buildings to look nice and be safe for everyone around them.

Commissioner Phil Morrison made a MOTION to close the public hearing. Commissioner Shane Church SECONDED the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE RECOMMENDATION— Application #Z-2025-035 for Data Center and Electrical Generating Facility located at approximately 4500 E & HWY 50 Delta. Fibernet MercuryDelta, LLC, Applicant.

Steve Styler with Fibernet MercuryDelta, LLC approached the commission. He stated they desire to be a good neighbor and welcome everyone's input. Water is something that has been brought up multiple times. He stated that the proposed application is for 26 individual buildings. They anticipate that once the centers are complete each one would use 1-1 ½ acre foot per building.

Ray Conley approached the commission and talked about the water usage, and explained that the generators run off of natural gas.

Shane Steer with Fibernet MercuryDelta approached the commission and talked about the construction side of the project.

There was discussion about how power will be generated.

There was discussion about how construction will minimize the noise in the area.

There was discussion about the traffic in the area. The only access to the site will be off of Highway 50.

The commission discussed setbacks and decided to go off of the site plan provided.

Commissioner Erin Sorenson went over the reasonable conditions and recommendations.

Commissioner Wayne Jackson made a MOTION to send a favorable recommendation on application Z-2025-035 to the BOCC based on its conformance with the Millard County General Plan and meets the findings in code 10.8.3. Commissioner Shane Church SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Recommend approval of the C-2 Conditional Use Permit Application with reasonable conditions.

2. Basis for Issuance of a Conditional Use Permit:

a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.

b) The proposed use is allowed within the Zoning District as identified in Chapter 8.

c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.

- d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- e) The property on which the use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.
- f) The proposed use complies with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- g) The proposed use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.
- h) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole. (Ord. 12-12-04, 12-4-2012)

3. Approve the Permit with the following reasonable conditions:

1. Facility Boundaries and Mapping. Applicant shall submit to the County Planner, for approval, a surveyed map and legal description of the entire project site prior to issuance of any building permit.

2. Permitting and Compliance. Applicant shall obtain, maintain, and comply with all required federal, state, and local permits for construction and operation.

3. Reporting and Documentation. Applicant shall simultaneously transmit to the County Attorney, and County Planner copies of all submittals, reports, or notices of violation submitted to any regulatory agency during construction and operation.

4. Construction Management Plan. Prior to site disturbance, Applicant shall submit a Construction Management Plan to the County Planner for approval. The Plan shall address schedule, working hours, haul routes, staging areas, storm-water control, noise control, and public-notice procedures.

5. Dust Control and Mitigation. Prior to the commencement of site disturbance, Applicant shall submit a Dust Control and Mitigation Plan to the County for approval. The Plan shall detail methods for minimizing fugitive dust emissions during construction and operation, including but not limited to the use of water trucks, chemical stabilizers, gravel access points, and wind fencing. The Plan shall specify contingency measures for high-wind conditions and identify responsible parties for compliance. Applicant shall implement the approved Plan and modify it as necessary at the direction of the County or other relevant regulatory authority.

6. Road and Infrastructure Maintenance. Before mobilizing heavy equipment, Applicant shall execute with the County a Road Maintenance Agreement, including performance guarantees for repair of County roads damaged by project traffic.

7. Traffic Safety and Management. Applicant shall commission a traffic impact analysis prepared by a licensed professional engineer and submit it to UDOT and the County for review and approval prior to building-permit issuance. Applicant shall implement all mitigation measures required by the approved study. Mitigation may

include turn lanes, signage, speed controls, or other physical improvements deemed necessary by UDOT or the County.

8. Public Safety, Emergency Management, and Sheriff Coordination. Applicant shall prepare, and thereafter update annually, a comprehensive Emergency Response Plan approved by the County Planner in consultation with the Sheriff's Office, Fire District, and other responders. At the Sheriff's request, Applicant shall convene coordination meetings and grant Sheriff personnel reasonable access to all areas of the Facility for familiarization and response training.

9. Noise Management Plan. Applicant shall submit, for County approval, a Noise Management Plan demonstrating compliance with County standards, implement the approved measures, and conduct semi-annual monitoring with results provided to the County Planner.

10. Water Management Plan. Applicant shall submit to the County, a Water Management Plan quantifying demand, identifying sources, incorporating conservation measures, and demonstrating no adverse impact to existing water rights.

11. Lighting Plan. Applicant shall submit a dark-sky-compliant exterior lighting plan, approved by the County, requiring all luminaires to be fully shielded, downward directed, and motion controlled where practicable.

12. Waste Management Plan. Applicant shall submit, for County approval, a Waste Management Plan identifying solid and hazardous waste streams, storage, recycling, and disposal methods, and shall implement the Plan.

13. Cybersecurity and Data Security Plan. Applicant shall provide the County with a summary Cybersecurity Plan addressing critical-infrastructure protection and coordinated response protocols; proprietary technical details may be redacted.

14. Community Engagement Plan. Applicant shall establish a Community Liaison and submit a Community Engagement Plan to the County, detailing notification processes, complaint resolution procedures, and quarterly reporting commitments.

15. Workforce Housing Mitigation. Applicant shall submit an analysis of construction and operational workforce housing demand and a mitigation strategy, including any agreements with local housing providers or off-site accommodations.

16. Reclamation and Financial Assurance. Before issuance of a certificate of occupancy, Applicant shall post financial surety acceptable to the County Attorney guaranteeing site

reclamation, including equipment removal, regrading, and revegetation.

17. Insurance. Applicant shall maintain insurance coverages as specified by the County Attorney and shall file proof of coverage with the County Attorney on an annual basis.

18. Facility Signage. Applicant shall install safety and hazard signage in accordance with applicable codes, subject to County approval, prior to operation.

19. Permit Duration and Amendments. This Conditional Use Permit shall be reviewed by December 31, 2026. Construction shall commence by December 31, 2027 or the permit shall expire unless extended by the BOCC for good cause. Amendment requests shall follow County procedures; minor modifications may be approved by the County Planner.

20. Recordation. Applicant shall record the executed Conditional Use Permit with the County Recorder within thirty (30) days of approval and shall provide copies to the County Attorney, and County Planner.

21. Successors and Assigns. All conditions herein shall run with the land and bind successors and assigns. Any inconsistency shall be interpreted in favor of the County.

22. The Board of County Commissioners reserves the right to initiate an amendment to this C-2 Conditional Use Permit if such amendment is required to protect the health, general welfare and safety of persons, property or improvements in the immediate area, or County as a whole. Any such amendment shall comply with all procedures of the County, in effect and as applicable, for the application and consideration of a C-2 Conditional Use Permit Amendment Application”

5. OTHER BUSINESS- Mark McDougal approached the Commission and stated that he has filed an application for a data center on his property and would like the Planning Commission to schedule another meeting prior to the regularly scheduled August meeting.

Commissioner Pat Manis made a MOTION to hold a meeting on July 16th at 6:30 pm. Commissioner Wayne Jackson SECONDED the motion. Voting was unanimous in the affirmative.

6. APPROVAL OF MINUTES The proposed minutes of the Planning Commission Meeting held May 28, 2025 were presented for consideration and approval. Following review and minor corrections, Commissioner Pat Manis made a MOTION to approve the minutes from May 28, 2025. Commissioner Wayne Jackson SECONDED the motion. Voting was unanimous in the affirmative.

7. ADJOURNMENT Commissioner Phil Diaz made a MOTION to adjourn at 8:28 pm. Commissioner Phil Morisson SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ____ day of _____ 2025
Erin Sorenson, Planning Commission Chairman
Millard County Planning Commission