

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
September 3, 2025**

**The Millard County Planning Commission met on Wednesday September 3, 2025,
at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.**

PRESENT: Erin Sorenson Planning Commission Chairman
John Nye..... Planning Commission Vice Chair
Shane Church.....Planning Commissioner
Wayne JacksonPlanning Commissioner
Pat Manis.....Planning Commissioner

EXCUSED: Phil Diaz.....Planning Commissioner
Phil Morrison.....Planning Commissioner
DeMar IversonPlanning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Mallori Wood..... Secretary
Denton Peterson..... Millard County Deputy Attorney
Dennis Aldredge Fillmore City
Aaron McDougalJoule
Sherri Callister Sherwood Shores
Stephen Green Wheeler Machinery
Greg Campeau Millard County Resident
Peggy Campeau Millard County Resident
Forrest Roper..... Millard County Resident
Andrew BollschweilerAE VRBIA
Mark McDougal.....Joule
Vicki Lyman Millard County Commissioner
Shellie Dutson..... Chronicle Progress
David Gray..... Millard County Resident
Bobbie Killpack Sherwood Shores
Roger Killpack..... Sherwood Shores
Charlie Edwards Sherwood Shores
Rebecca Scott Sherwood Shores

Steve O’camb Sherwood Shores
Howard Scott Sherwood Shores
Darlene Scott Sherwood Shores
Matt Ward 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 6:30 pm and welcomed everyone present.
- 2. **PUBLIC INPUT** – Kris Morgan from Sherwood Shores approached the commission to file a formal complaint about a previous application.
- 3. **PUBLIC HEARING** C-2 Conditional Use Permit Application #Z-2025-048 for Data Center and Electrical Generating Facility located at approximately 11000 N McCornick Road Delta. Joule Capital Partners, LLC, Owner.

Commissioner Wayne Jackson made a MOTION to open the Public Hearing. Commissioner Shane Church SECONDED the motion. Voting was unanimous in the affirmative.

Mark McDougal approached the commission to give a description of the application. They want to start phase 1 of the project. That contains 6 building spread ½ mile apart to make sure that the emissions that are released won’t mix.

Mark went through the reasonable conditions in the Staff Report.

They have metered their wells and are now monitoring how much water will be used.

Nobody from the public approached the commission.

Commissioner John Nye 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—C-2 Conditional Use Permit Application #Z-2025-048 for Data Center and Electrical Generating Facility located at approximately 11000 N McCornick Road Delta. Joule Capital Partners, LLC, Owner.

Commissioner Wayne Jackson asked whether the local landfill would accept waste from the project. Mark McDougal stated that the current procedure is to recycle what can be and then take the rest to the landfill. He doesn't know of any data centers that take the internal components to the landfill.

Commissioner Pat Manis asked for clarification of the picture provided with the buildings in Phase 1.

Commissioner Shane Church asked if there will be a backup plan for power if the generator goes down. Mark McDougal stated there will be multiple generators so if one goes down, another will start.

Commissioner John Nye asked if when 1 generator runs and puts out 50 decibels of noise does that double with each generator. Mark McDougal stated that with the model provided there were 60 generators running at once. They will be kept inside and the people inside the building will need to wear double-ear protection.

Commissioner Erin Sorenson went through the Staff Report.

Commissioner Pat Manis made a MOTION to send a favorable recommendation for application #Z-2025-048 to the BOCC based on its conformance with the Millard County General Plan and meets the findings in code 10.8.3. Commissioner Wayne Jackson 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.

5. PUBLIC HEARING—Text Amendment Application #Z-2025-005 proposing to amend Millard County Code Title 10 Chapter 25 (The Table of Uses and Use Definitions) to change the following to Non-Permitted Uses within the Sherwood Shores Zoning District:

- a) Agricultural Building
 - b) Agricultural Use
 - c) Convenience Store
 - d) Dwelling, Mobile home
 - e) Educational Facility
 - f) Seasonal Use
 - g) Temporary Construction Office
 - h) Vehicle and Equipment Rental or Sale, New or Used
- Sherwood Shores Property Owners Association Board, Applicant

Commissioner Wayne Jackson made a MOTION to open the Public Hearing. Commissioner Wayne Jackson SECONDED the motion. Voting was unanimous in the affirmative.

Roger Killpack approached the commission on behalf of the Sherwood Shores Property Owners Association Board and gave a description of the application.

Roger Killpack asked to have item f-Seasonal Use removed from the application.

Margo Dye approached the commission. She stated she is on the board and shared some input from property owners. She feels like this is something that shouldn't be up to the county commission and would like the property owners to come together.

Darlene Scott approached the commission and stated that her family does not support the application and feels that property owners lose freedom when there is too much control.

Charlie Edwards approached the commission and stated that he believes that the Sherwood Shores Board does a great job at taking care of the parks and the ramps but believes the property owners should be able to make decisions.

Sheri Bennett Callister approached the commission.

Shellie Dutson approached the commission, she agrees with the board. She believes that the board is trying to make it a better place.

Commissioner Wayne Jackson made a MOTION to close the Public Hearing. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

6. REVIEW and POSSIBLE RECOMMENDATION—Text Amendment Application #Z-2025-005 proposing to amend Millard County Code Title 10 Chapter 25 (The Table of Uses and Use Definitions) to change allowable uses within the Sherwood Shores Zoning District.

Commissioner Pat Manis asked for clarification of item d- Dwelling, Mobile home. Planner Adam Richins gave the definition of a mobile home and stated that Millard County currently doesn't allow them to come into the county but if they're currently in the county they can be moved to the same zone in a different location.

Commissioner Wayne Jackson asked if the people opposed to the application are against it as a whole or if there are parts they agree with.

Commissioner Erin Sorenson stated her concerns with the application.

Deputy Attorney Denton Peterson went over the current Millard County Code.

There was discussion of who would enforce the rules in Sherwood Shores.

Commissioner John Nye made a MOTION to send a favorable recommendation of application Z-2025-005 to the BOCC based on its conformance with the Millard County General Plan and meets the findings in code 10.8.3. Commissioner Pat Manis SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

Recommend the Board of County Commissioners amend Chapter 25 of the Millard County Zoning Ordinance, if it is determined that the currently listed permitted and conditional uses in the Table of Uses and Use Definitions are not consistent with the desired long-term development of the Sherwood Shores area.

Each of the use definitions under consideration should be discussed and recommended individually.

In considering a land use ordinance amendment application, the Planning Commission in formulating a recommendation, and the Board of County Commissioners (BOCC) in deciding a land use ordinance amendment application shall consider the following factors, among others:

1. Consistency of the proposed amendment with the county General Plan.
2. The effect of the proposed amendment on the well-being of the county.
3. The effect of the proposed amendment on the public health, welfare, and safety.
4. The effect of the proposed amendment on the interests of the county, and its residents.
5. The ability of the county, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities allowed by the proposed amendment.
6. Compatibility of the proposed uses and activities with nearby and adjoining properties.
7. The suitability of the properties for the uses and activities proposed.
8. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the county's Land Use Ordinances, and any other ordinances and resolutions required to implement the amendment. (Ord. 12-12-04, 12-4-2012)

7. REVIEW and POSSIBLE RECOMMENDATION—Application #Z-2025-050 for a Plat Subdivision at approximately 2505 E 500 S Delta. SFC Welding, Owner/Applicant.

Shane Church approached the commission and gave a description of the application. The area is zoned Light Industrial. He would like to divide the property into different parcels to invite small business opportunities to the area.

There was discussion about the area being annexed into Delta City.

There was discussion about the roads and who would maintain them.

Commissioner Wayne Jackson made a MOTION to send a favorable recommendation on application #Z-2025-050 based on its conformance with the Millard County General Plan and meets the findings in code 10.8.3 to the BOCC. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

8. REVIEW and POSSIBLE APPROVAL—C-1 Conditional Use Permit Application #Z-2025-049 to operate a “Cemetery”, specifically, a crematorium exclusively for animals. Frank Noyes, Owner/ Applicant.

Frank Noyes approached the commission and gave a description of his application. He would like to put a pet crematorium on his property.

The crematorium would be powered by propane and can process around 400 lbs. per hour without much smell or anything coming out of it. It is all enclosed and filtered.

There was discussion about licensing.

Commissioner Erin Sorenson went over the proposed reasonable conditions.

Commissioner Wayne Jackson made a MOTION to approve application #Z-2025-049. Commissioner Shane Church SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the C-1 Conditional Use Permit application with reasonable conditions, as listed below.
2. Basis for Recommendation (10-8-3 Review Standards):
 - a) The proposed use is a conditional use within the zoning district as identified in section 10-25-1 Appendix A, table of uses.
 - b) The proposed use complies with all requirements of the zoning district, including all minimum area, setbacks, height, and all other requirements as applicable.
 - c) The proposed use will be conducted in compliance with the requirements of this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations.
 - d) The property on which the use is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.
 - e) The proposed use with all site plan and building requirements, as provided and required by this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations.
 - f) The proposed use complies with all applicable dedication requirements of the county and provides the necessary infrastructure, as required.
 - g) 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.

PROPOSED REASONABLE CONDITIONS OF APPROVAL

- A. Site Development Standards for Primary Buildings and Structures shall be substantially as described in the submitted site plan, as follows:
- B. Access to the property shall be limited to a single entrance from each public road
- C. No on-street parking shall be permitted.
- D. Outdoor lighting shall be fully shielded and down-directed; light trespass shall be minimized at property lines.
- E. This approval is limited to an animal crematorium only; no human cremation is authorized by this permit.
- F. All cremation/processing activities shall occur within an enclosed building.

G. Storage of animal remains shall occur within enclosed, secured, and refrigerated/frozen facilities; no outdoor storage of remains

H. The facility shall not accept, store, or incinerate regulated medical, infectious, or hazardous waste unless separately and expressly permitted by the County and appropriate state agencies; only animal remains and incidental, non-hazardous packaging is allowed.

I. Odor, smoke, and visible emissions shall be controlled; objectionable odors shall not be detectable at the property boundary. The County may require mitigation measures or operational adjustments if complaints are substantiated.

J. Freestanding signage shall be limited to (140) square feet and (25) feet maximum height and shall be generally consistent with the submitted application. Copy shall be limited to 'On Premise' advertising. All signage shall comply with Millard County sign regulations.

K. Permit shall be subject to review at any time to ensure the operation is in compliance with all conditions and requirements of approval. Additionally, this permit may be reviewed at any time in the event of complaint or request from any surrounding property owner.

9. OTHER BUSINESS - The commission discussed scheduling a work meeting prior to the next scheduled meeting to go over the general plan and subdivision ordinance.

10. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held July 16, 2025 were presented for consideration and approval. Following review and minor corrections, Commissioner Pat Manis made a MOTION to approve the minutes from July 16, 2025. Commissioner Wayne Jackson SECONDED the motion. Voting was unanimous in the affirmative.

11. ADJOURNMENT- Commissioner Shane Church made a MOTION to adjourn at 8:46 PM. Commissioner Wayne Jackson SECONDED the motion. Voting was unanimous in the affirmative.

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

