MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 20th DAY OF JANUARY, 2026
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Bill Wright. . . . . Chairperson
Vicki Lyman.. . . . . Commissioner
Trevor Johnson.. . . . . Commissioner

Elise Harris.. . . . . Interim County Attorney
Marki Rowley. . . . . County Clerk
Kayla Freeman. . . . . Deputy County Clerk

ALSO PRESENT: Kristine Camp. . . . . County Treasurer
Bonnie Smith. . . . . County Auditor
Sierra Dickens. . . . . County Recorder
Jacob Nielson. . . . . County HR Director
Richard Jacobson and Patrick Bennett.. . . . . County Sheriff's Office
Greg Prows . . . . . Assistant County Fire Warden
Adam Richins . . . . . County Planner
Denton Peterson . . . . . County Deputy Attorney
Cindy Ledbetter and Teresa Frampton . . . . . Bureau of Land Management (BLM)
Steve Styler . . . . . Creekstone Energy, LLC
Jeff Tanner. . . . . R6 Economic Development Coordinator
Larry Dutson . . . . . Delta Supply (DSC), LLC
Landon Stott and Leo Stott. . . . . Bald Mountain Investment
Todd Cusick. . . . . CMC Rock LLC
See Attachment A. . . . . Citizens

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice 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:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Wright to the public and Commission members.

OPENING STATEMENTS

Commissioner Wright said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JANUARY 6, 2026 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held January 6, 2026, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Johnson made a motion to approve the minutes of January 6, 2026, as corrected.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried.

FOLLOW UP ACTION ITEMS FROM JANUARY 6, 2026

Commissioner Wright reminded everyone that all assignments approved during the last meeting have remained the same and that he had accepted the position of chairperson.

Commissioner Wright stepped from the chair and made a motion to approve Commissioner Johnson as the Chairperson.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL OF A LETTER OF SUPPORT TO SENATOR CURTIS AND REPRESENTATIVE MALOY REGARDING THE WESTERN REFINED FUEL RESERVE ACT OF 2025 (S. 3407).

Commissioner Wright explained that a letter had been received regarding strategic petroleum gas reserves and to use caverns for storing the petroleum gas.

Planner Richins added additional details from the letter, noting that the proposal is understood and supported.

Commissioner Lyman asked if the inventory could be taxed.

Planner Richins explained that government-held inventory is not taxed, but inventory held by other businesses is taxed.

INTRODUCTION OF JEFF TANNER - THE NEW ECONOMIC DEVELOPMENT COORDINATOR FOR THE R6 REGIONAL COUNCIL

Jeff Tanner introduced himself as the new Economic Development Coordinator, having taken over the position from Abby Ivory a month ago.

Commissioner Johnson noted that this is a great resource for small business support, including grant funding, assistance, guidance, and helping businesses develop and adapt.

DISCLOSURE STATEMENTS

Clerk Rowley presented the conflict disclosures from the following elected officials and their chief deputies:

- Interim Assessor Hollie Miller
- Clerk Marki Rowley
- Sheriff Richard Jacobson
- Treasurer Kristine Camp
- Recorder Sierra Dickens
- Justice Court Judge Cyndee Probert
- Commissioners Trevor Johnson, Bill Wright, and Vicki Lymen

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ORDINANCE MAP AMENDMENT APPLICATION # Z-2025-072 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 80.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4460 S 2500 E DELTA FROM AGRICULTURE 20 (AG-20) TO HEAVY INDUSTRIAL (HI). DSC, LLC, APPLICANT

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on Ordinance Map Amendment Application # Z-2025-072 requesting to change the zoning of approximately 80.0 acres of property located at approximately 4460 S 2500 E Delta from Agriculture 20 (Ag-20) to Heavy Industrial (HI). DSC, LLC, Applicant.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:16 a.m..

Present were: Treasurer Camp, Auditor Smith, Recorder Dickens, HR Director Nielson, Sheriff Jacobson, Captain Bennett, Planner Richins, Greg Prows, Deputy Attorney Peterson, Larry Dutson, Steve Styler, Cindy Ledbetter, Teresa Frampton, Landon Stott, Leo Stott, Todd Cusick, and see Attachment A.

Larry Dutson, representing Dutson Supply in Delta, explained his application to create a concrete batch plant.

Planner Richins reported that the application was heard by the Planning Commission and received a favorable recommendation.

Russ Day raised concerns about road conditions affecting irrigation to his farm. He asked about weight limits, potential damage to the road, and whether gravel would be washed there. He also inquired how water issues would be handled, the start time for morning work, potential noise disturbances, the presence of a guard, and trash management.

Mr. Dutson stated that there will be a security guard on site 24/7.

Planner Richins added that all of these concerns will be addressed through conditional use permits (CUP's) at a later meeting.

There were no other comments made.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:22 a.m..

Interim Attorney Harris read the list of required factors of consideration that the commissioners have to consider for a zone change:

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.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 26-01-20A, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, CHANGING THE ZONING OF APPROXIMATELY 80.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4460 S 2500 E DELTA FROM AGRICULTURE 20 (AG-20) TO HEAVY INDUSTRIAL (HI). DSC, LLC, APPLICANT

Commissioner Lyman stated that the concerns will be addressed utilizing CUP's

Commissioner Johnson added that he would like the Road Department to inspect the roads if necessary.

Planner Richins discussed whether the proposal is consistent with the General Plan and highlighted several points for consideration. He noted that the General Plan supports agriculture and land protection, and he read relevant excerpts from the plan. However, he emphasized that the plan does not prohibit progress. Holistically, the General Plan guides the County's development and supports orderly growth. Not all agricultural land has significant agricultural value, and some areas may be changed through a zone change if determined to be in the County's best interest. He concluded that a balance must be maintained between growth and preservation.

Interim Attorney Harris explained that applicants often request a zone change for a specific purpose, but once approved, it allows them to undertake any activity permitted within that zoning classification.

Mr. Dutson stated that he is pursuing this opportunity for his business in anticipation of the data centers. He noted that if the data centers do not proceed, he will not move forward with

his project.

Commissioner Wright stated that any impacts can be mitigated.

Planner Richins responded that mitigation is already part of the process.

Commissioner Wright suggested mitigating issues before they arise, involving the road supervisor, and establishing a road maintenance agreement if needed.

Commissioner Lyman agreed, stating that she will consult with the Road Department, especially where it concerns number three from the list of required factors of consideration .

Commissioner Wright made a motion to adopt Ordinance 26-01-20A, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately 80.0 acres of property located at approximately 4460 S 2500 E Delta from Agriculture 20 (AG-20) to Heavy Industrial (HI). DSC, LLC, Applicant.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted YES. Commissioner Lyman voted YES. Commissioner Johnson voted YES. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ORDINANCE MAP AMENDMENT APPLICATION # Z-2025-069 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 276.55 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 11000 NORTH 400 WEST HOLDEN FROM AGRICULTURE (AG) TO RANGE AND FOREST (RF). MCCORNWOOD, OWNER; GREG KESLER, APPLICANT

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on Ordinance Map Amendment Application # Z-2025-069 requesting to change the zoning of approximately 276.55 acres of property located at approximately 11,000 North 400 West Holden from Agriculture (AG) to Range and Forest (RF). McCornwood, Owner; Greg Kesler, Applicant.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:36 a.m..

Present were: Treasurer Camp, Auditor Smith, Recorder Dickens, HR Director Nielson, Sheriff Jacobson, Captain Bennett, Planner Richins, Greg Prows, Deputy Attorney Peterson, Larry Dutson, Steve Styler, Cindy Ledbetter, Teresa Frampton, Landon Stott, Leo Stott, Todd Cusick, and see Attachment A.

Planner Richins reported that the application was heard by the Planning Commission and received a favorable recommendation.

Landon Kessler explained the application, noting it is in preparation for the data centers. He mentioned there is a potential gravel pit on the property and that they are applying for a zone change. He stated that it is a good location and a promising opportunity.

There were no other comments made.

Commissioner Wright made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 10:39 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 26-01-20B, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, CHANGING THE ZONING OF APPROXIMATELY 276.55 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 11000 NORTH 400 WEST HOLDEN FROM AGRICULTURE (AG) TO RANGE AND FOREST (RF). MCCORNWOOD, OWNER; GREG KESLER, APPLICANT

Commissioner Lyman asked who the gravel would be sold to.

Mr. Kessler replied that it would be sold to whoever wins the contracts. He added that while the exact composition of the gravel isn't fully known, studies indicate it is viable for a gravel pit.

Commissioner Wright noted that it is also a good location for the pit and emphasized understanding and respecting property rights.

Planner Richins reviewed the required factors of consideration for a zone change, noting that the property has not been used for agriculture for some time.

Interim Attorney Harris highlighted point 3 regarding general health, and highlighted the staff report from Planning and Zoning is consistent with the General Plan and economic development goals.

Commissioner Lyman agreed with everything that had been said and noted that no public opposition was expressed.

Commissioner Wright asked about increasing the weight limit on McCormick Road and suggested that the roads be reviewed during the CUP process.

Commissioner Wright made a motion to adopt Ordinance 26-01-20B, an ordinance of the Board of County Commissioners of Millard County, Utah, change the zoning of approximately 276.55 acres of property located at approximately 11000 North 400 West Holden from Agriculture (AG) to Range and Forest (RF). McCornwood, Owner; Greg Kesler, Applicant.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted YES. Commissioner Lyman voted YES. Commissioner Johnson voted YES. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ORDINANCE MAP AMENDMENT APPLICATION # Z-2025-073 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 4,461.38 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 5 MILES SOUTHEAST OF DELTA FROM AGRICULTURE & AGRICULTURE 20 (AG 20) TO RANGE & FOREST (RF). CREEKSTONE ENERGY, LLC, APPLICANT

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on Ordinance Map Amendment Application # Z-2025-073 requesting to change the zoning of approximately 4,461.38 acres of property located at approximately 5 miles Southeast of Delta from Agriculture & Agriculture 20 (AG 20) to Range & Forest (RF). Creekstone Energy, LLC, Applicant

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 10:48 a.m..

Present were: Treasurer Camp, Auditor Smith, Recorder Dickens, HR Director Nielson, Sheriff Jacobson, Captain Bennett, Planner Richins, Greg Prows, Deputy Attorney Peterson, Larry Dutson, Steve Styler, Cindy Ledbetter, Teresa Frampton, Landon Stott, Leo Stott, Todd Cusick, and see Attachment A.

Steve Styler, counsel for Creekstone, acknowledged the many concerns and considerations regarding the project. He noted that at the last meeting, the Commission did not approve the zone change on the state land, prompting them to explore other options. He explained that they looked at land on the west side of the highway, which presents fewer view impacts. While the map shows parcels on both sides of the highway, to avoid splitting the property, the plan, if approved, is to build only on the west side. There are two grazers on that land, and Mr.Styler stated that they have been consulted. Creekstone was able to purchase their grazing permits and reached an agreement allowing the grazers to continue using the land as long as it is compatible with the project. He explained that the property in question comprises 4,461 acres of SITLA land and emphasized that Creekstone is not opposed to any restrictions from the Commission limiting development to the west side of the highway. He described the plan as a win-win compromise.

Planner Richins reported that the application was heard by the Planning Commission and received a favorable recommendation on the condition that development only occur on the west side of Highway 50.

Mr. Styler stated that some of the property planned for the project is already zoned RF and subject to a CUP. He intends to file a CUP for both the already zoned RF property and the newly rezoned property.

Collin Bennett expressed support for the project but noted that the same concerns keep coming up. He stated that even after Creekstone made compromises, the public will need to make some concessions.

Mr. Styler responded that Creekstone does not want to interrupt grazing and is actively working with the grazers to be good neighbors.

Spence Butler, President of Oak City Grazers and President of Leamington Irrigations, stated that he does not have any answers at this time. He expressed concern that the project will continue to expand and take over agricultural land, and said that he does not feel that the Commissioner Wright was not listening.

Whitt Sorenson stated that while conversations often focus on agriculture, the root concern is solar development on SITLA land. He noted that the highest use is not always the best option and expressed concern that the project is being implemented in pieces. He added that public land is not an appropriate location for solar development.

Adrie Day expressed concern that the project will take as much power and water as possible. She stated that she believes the developers do not have enough resources to run their planned operations and therefore, should not be allowed to proceed. She also raised concerns about the potential impact on the ecosystem, particularly on birds of prey.

Cindy Butler reminded the Commission that this application involves SITLA land, and SITLA owns the grazing rights. She noted that it is not Creekstone's right to allow grazing. She expressed concern that if rights are granted on the west side, the applicants may return asking for more. She stated that there is an appeal on the zoning recommendation and recommended denying the application in full.

Deb Visser asked about the CUPs and noted that the project was originally designed to be self-sufficient, generating its own water and electricity with natural gas. She questioned why additional resources are being requested.

Mr. Styler explained that the system does not require water for cooling, but employees need water in the buildings for drinking, showers, and restrooms. He stated that the necessary water rights have been purchased under a separate contract to meet these needs.

Ms. Visser raised further concerns about wells, septic systems, and natural gas.

Mr. Styler responded that contracts are already in place to address these needs.

Ms. Visser asked questions about the actual process of the project.

Mr. Styler provided specifics on how gas, water, and electricity will be used.

Elldredge Travis asked why solar development was not addressed from the beginning. He also inquired how the panels would be kept clean and how they would function during sand storms.

Joe Clark stated that this is a large project, visible from space, and expressed opposition to solar panels on SITLA land in Millard County.

Sandee Cropper emphasized that the decision is important and will impact the future, as well as the legacy the commissioners leave. She stated that while a compromise might allow some control, if SITLA wants to proceed, they can. She argued that school trust lands should benefit the well-being of children rather than risk the environment. She reminded the commissioners that their job is to listen to their constituents, and expressed that the public does not want the project.

Stacee Lake expressed concerns about changing the land from agricultural use to more multi-use, noting that SITLA land is leased.

Mr. Styler responded that they are having ongoing conversations with SITLA. Under the

existing lease, they can use the land for other purposes while continuing to allow grazing. He noted that not every concern can be discussed with everyone at once.

Ms. Lake asked what would happen to the solar panels once the project is completed.

Mr. Styler explained the lease and discussed the county's role, noting that CUP's and building permits are controlled by the County. While they can propose plans, county approval is required.

Ms. Lake suggested that if the project is approved, the parcel should be split so that the east side is not rezoned. She emphasized that the county should manage the project and receive the benefits, and stated her opinion that information regarding water should remain public. She also referenced a bill in legislation regarding water.

Mr. Styler clarified that the bill was misreported by the news. He stated that the bill requires water usage to be disclosed and assured that they have nothing to hide.

Sheriff Richard Jacobson, speaking as a citizen, expressed opposition to solar panels on public land. He stated that the proposal should not have progressed to this point, noting that the project was originally presented as relying on private property rights on private land. He said the public was "sold a bill of goods" and that the project is now expanding onto public land and into areas not originally represented. He emphasized that the issue is one of full transparency and principle.

John Nye, a member of the Planning and Zoning Commission, stated that other solar projects have been approved in the past without opposition because they are not visible. He noted that if visibility were not an issue in this case, there would likely be less opposition. He added that once the project is complete, the solar panels could be sold to others and suggested that the panels be relocated out of sight. He also observed that, to date, SITLA has not acted against the Commission's decisions, and recommended denying the application and seeing what happens next.

George Fosket stated that the application was denied previously and should be denied again. He expressed opposition to the project and urged the Commission to vote no.

Peter Greathouse spoke about a growing grassroots movement across the country opposing data centers due to their impacts, uniting farmers, ranchers, and environmentalists. He raised numerous environmental concerns, including wind, sand, and lake-effect conditions, and noted potential harm to birds, emphasizing that Millard County is an important migratory corridor. He stated that he has heard from legislators that there are no plans to go against the Commission's decision. He added that if the project is allowed, long-term impacts on land use and multiple uses of the land must be considered, and that requirements should be placed on the developers.

Chris Hansen asked how many acres are on the west side of the highway.

Mr. Styler responded that there are 4,461 acres total, with additional lands involved.

Mr. Hansen asked how many of those acres are on the east side.

Mr. Styler replied that approximately 700–800 acres are on the east side.

Mr. Hansen then asked whether the project would expand further west and pursue additional properties.

Mr. Styler stated that there are no current plans to expand further west. He noted that land farther west is BLM land and that no discussions have taken place with BLM.

Mr. Hansen asked whether the company intends to approach private landowners farther west and questioned the long-term direction of the project.

Mr. Styler responded that they are not contemplating any additional zone changes farther west and are attempting to minimize impacts on neighboring properties.

Mr. Hansen expressed concern that his property is surrounded by solar panels and that its value is decreasing as a result.

Interim Attorney Harris clarified several points. First, she stated that the matter before the Commission is strictly a zone change. The proper way to address solar panels as an allowed use would be to amend the table of uses for the zone itself, not through CUP's. Second, she noted that the appeal for the Planning and Zoning Commission is for a recommendation and is not a final action. Third, she advised that the Commission must review the required factors of consideration, which Planner Richins then read again.

There were no other comments made.

Commissioner Lyman made a motion to close the public hearing.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:49 a.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 26-01-20C, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, CHANGING THE ZONING OF APPROXIMATELY 4,461.38 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 5 MILES SOUTHEAST OF DELTA FROM AGRICULTURE & AGRICULTURE 20 (AG 20) TO RANGE & FOREST (RF). CREEKSTONE ENERGY, LLC, APPLICANT

Commissioner Johnson shared his personal perspective, stating that his comments were based on issues raised during the public hearing. He discussed the need for balance in the use of public lands, noting that Millard County has over 4 million acres, with approximately 394,000 acres managed by SITLA—most of which is currently used for grazing. He stated that relying solely on grazing is not a balanced use.

Commissioner Johnson acknowledged the value of agriculture but questioned the agricultural quality of the land in question, noting that if 5,000 acres support only 17 cows, it is not strong grazing land. He stated that West Millard County includes both attractive and less desirable areas, and emphasized the importance of being honest about land quality.

Regarding utilities, Commissioner Johnson stated that newer data center cooling systems do not use water, based on discussions with professionals managing data centers in Eagle Mountain. He expressed confidence that SITLA would not overstep county authority.

Commissioner Johnson raised concerns about solar panel waste, noting that panels cannot

be disposed of in the county landfill and must be sent to hazardous waste facilities, and emphasized that panels would not be left behind in the county. He questioned the argument against private entities benefitting from public land, pointing out that grazing leases already represent private benefit, and suggested that higher-paying uses should also be considered.

Commissioner Johnson compared visual impacts to agricultural nuisances, stating that while some uses may look undesirable, others have odors, and both are part of rural life. He reiterated his support for agriculture but emphasized the need to protect all agriculture and be realistic about land conditions. He concluded by stating that communities show up when they care, passions exist on all sides, and the goal is to find a middle ground.

Commissioner Wright reflected on significant changes that occurred 30 years ago with IPP, noting that many of the same arguments were raised then. He stated that support often depends on whether a project benefits an individual, and emphasized that change is inevitable. While progress cannot be stopped, he stressed the importance of organizing and managing it appropriately.

Commissioner Wright then directed questions to Creekstone, acknowledging the obvious opposition to solar and noting that the primary concern is uncertainty rather than the concept itself. He stated that the strongest push back has been related to solar development and asked how Creekstone plans to improve public perception.

Commissioner Wright also raised concerns about the lack of a clear long-term plan, asking whether a five-year plan exists and noting that the County needs to understand the company's future intentions. He expressed concern that solar projects often change ownership, and asked what assurances the County can be given regarding who it will be working with in the coming years.

Mr. Styler explained that the original rezoning of private property for the data center campus was approved. At that time, natural gas was identified as the preferred and easiest power source. However, discussions with Kern River have since revealed that sufficient natural gas capacity may not be available within the desired timeline. He stated that they did not initially approach SITLA regarding a solar lease, but later aquired an existing solar lease and were informed by SITLA that they could pursue it. He emphasized the dynamic nature of the project, noting two primary driving factors: access to natural gas from Kern River, which remains the preferred option, and the potential to utilize power from IPP's coal units. Both options are being evaluated simultaneously. Mr. Styler stated that if sufficient natural gas becomes available, the company would not pursue solar. However, immediate power needs require development of available options. He emphasized that the company is willing to engage in discussions with all parties and stated that there is no intention to apply for additional solar projects beyond what is currently proposed.

Commissioner Wright stated that opposition to solar alone is not a sufficient reason to deny the application and asked whether Creekstone could commit to using other energy resources.

Mr. Styler responded that solar is intended as a temporary bridge to get the project operational, emphasizing that the long-term goal is to rely entirely on natural gas and coal.

Commissioner Johnson noted that if power is needed during the day and night, using solar during the day allows gas resources to be extended for nighttime and low-sun conditions.

Mr. Styler explained that the project receives a limited daily gas allocation. Solar would supply daytime power, allowing gas to be used at night and during cloudy periods. He reiterated that solar is a bridge solution. While 30,000 acres are leased, they are only pursuing the amount needed for current operations.

Commissioner Wright stated that the role of government is to provide equal opportunity and not pick and choose winners. He noted that if solar use is to be restricted, the proper method would be to amend the table of uses. He expressed concern about appeals and tax implications, stating that any advantages from data centers should benefit taxpayers through property tax reductions. He emphasized that industry brings benefits but must be organized, which is the government's responsibility.

Commissioner Lyman asked how long it would take for the project to become independent of solar.

Mr. Styler responded that the first gas delivery is expected in mid-2026, and construction of a new gas pipeline would take approximately two years. He stated that up to 16 buildings could be operational within two years. If IPP power is unavailable and no new gas is added, the project could still proceed with two buildings, which would justify the investment.

Commissioner Lyman stated that competition among data centers drives the need for rapid development and expressed concerns about trust, noting that solar was not part of the original proposal. She asked for firm commitments regarding future plans and that based on discussions with SITLA, they generally work with county decisions but will not walk away entirely. She expressed support for solar only if limited to approximately 5,000 acres strictly as a temporary bridge.

Mr. Styler proposed approving the rezone with a development agreement in place to clearly define rules, conditions, and expectations, providing confidence for both the County and the applicant.

Interim Attorney Harris advised that a development agreement could be implemented in lieu of conditions tied solely to the zone change if the other party is willing to enter into them. There needs to be incentive on both sides.

Spence Butler questioned why the County should trust the applicant. Commissioner Wright stated that there is no reason not to trust Creekstone, as they have not been proven otherwise.

Commissioner Johnson stated that his primary concern is trust and clarified that he was unaware solar was part of the plan, rejecting any implication that Commissioners had prior knowledge.

Interim Attorney Harris explained how a development agreement would function.

Mr. Styler stated that if the Commission feels the property is suitable, they can move forward with the proposed plan and sign a development agreement to govern all other areas.

Commissioner Wright asked the attorney if proceeding with a development agreement was appropriate.

Planner Richins explained that there are two paths for a development agreement. First if zoning is not correct, the agreement goes through the same process as a zone change and is treated as a unique package. Second, if the use is already allowed, a development agreement can consolidate the project into a single plan for the scope in question, establishing a contract that clearly defines what can and cannot be done, regardless of zoning.

Mr. Styler stated that he is willing to proceed with option 2 for the development agreement and could draft it immediately.

Commissioner Wright noted that while this approach does not resolve everyone's concerns, it establishes limits on the plan and provides assurances.

Commissioner Lyman confirmed with Cindy Ledbetter that there is no possibility of solar panels on BLM land.

Commissioner Johnson mentioned legislation regarding state subsidies for solar.

Mr. Styler explained that a bill was presented to an interim committee, which could reduce state incentives, though it may or may not pass.

Interim Attorney Harris reviewed the available options for motions.

Mr. Styler requested that the property be rezoned and that a development agreement be used instead of CUPs.

Commissioner Wright cautioned that approving a rezone could reduce leverage, as the development agreement would no longer be mandatory, though he expressed trust in the applicant.

Planner Richins explained that the current zoning ordinance limits the use of a multi-zone parcel to the most restrictive zone, and that aligning zoning with intended use makes implementation of a development agreement easier.

Interim Attorney Harris added that if the Commission approves rezoning west of Highway 50, the multi-zone parcel would still be restricted to the most restrictive uses.

Commissioner Lyman suggested that SITLA could adjust parcel boundaries to separate the multi-zone areas more cleanly.

Ms. Buttler asked whether it would be cleaner to reject the zoning due to the pending appeal on the Planning and Zoning recommendation.

Commissioner Johnson responded that the appeal does not significantly affect the Commission's decision today.

Commissioner Wright stated that denying the rezoning would only delay the process and saw no reason to start over, recommending moving forward.

Peter Greathouse asked whether development agreements require public hearings.

Interim Attorney Harris responded that it depends on whether the action is legislative or administrative.

Sandee Cropper stated that if the County is being asked to trust the company, then the company should trust the County.

Commissioner Johnson replied that this is not the question at hand.

Chris Hansen asked whether planning will limit growth of the project and whether it will preclude SITLA land or allow adjustments.

Commissioner Lyman clarified that the discussion is only regarding SITLA land.

Commissioner Johnson expressed support for moving forward with the development agreement.

Commissioner Wright agreed, stating that proceeding is in the County's best interest.

Commissioner Lyman asked whether the paperwork could be structured to ensure the applicant is held to their commitments.

Interim Attorney Harris explained that if the development agreement is approved, it would provide more binding conditions than CUPs, particularly regarding when solar panels must be removed. CUPs would also limit the project, but the development agreement imposes additional enforceable conditions if the other party is willing to enter into them. There needs to be incentive on both sides.

Commissioner Wright noted that if a CUP provides the same binding effect, it could be used instead.

Deputy Attorney Peterson stated that additional CUPs could be imposed and would bind the applicant to the agreed conditions.

Planner Richins added that if the zone change is limited, it would restrict applications to the west side of the road only.

Commissioner Wright made a motion to adopt Ordinance 26-01-20C, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately 4,461.38 acres of property located at approximately 5 miles Southeast of Delta from Agriculture & Agriculture 20 (AG 20) to Range & Forest (RF). Creekstone Energy, LLC, Applicant, limited to the property west of HWY 50.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted YES. Commissioner Lyman voted YES. Commissioner Johnson voted YES. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON ORDINANCE MAP AMENDMENT APPLICATION # Z-2025-074 REQUESTING TO CHANGE THE ZONING OF APPROXIMATELY 560.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 6.5 MILES SOUTHWEST OF HOLDEN ALONG STATE HIGHWAY 100 FROM AGRICULTURE 20 (AG 20) TO RANGE & FOREST (RF). CMC

ROCK LLC, APPLICANT; BALD MTN INVESTMENT, OWNER

Commissioner Lyman made a motion to enter into a public hearing for the purpose of receiving public comment on Ordinance Map Amendment Application # Z-2025-074 requesting to change the zoning of approximately 560.0 acres of property located at approximately 6.5 Miles Southwest of Holden along State Highway 100 from Agriculture 20 (AG 20) to Range & Forest (RF). CMC Rock LLC, Applicant; Bald Mtn Investment, Owner.

Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 1:32 p.m..

Present were: Treasurer Camp, Auditor Smith, Chief Deputy Auditor Bennett, Recorder Dickens, HR Director Nielson, Sheriff Jacobson, Captain Bennett, Planner Richins, Dennis Alldredge, Leo Stott, Landon Stott, Steve O'Camb, Kalen Taylor, Rick Carter, Greg Prows, Todd Cusick, Greg Kessler, Cindy Ledbetter, and Teresa Frampton.

Landon Stott, from Bald Mountain Investment, and Todd Cusick, from CMC Rock LLC, presented a proposal to establish a gravel pit on thier land.

There were no other comments made.

Commissioner Wright made a motion to close the public hearing.

Commissioner Lyman SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 1:33 p.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 26-01-20D, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, CHANGING THE ZONING OF APPROXIMATELY 560.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 6.5 MILES SOUTHWEST OF HOLDEN ALONG STATE HIGHWAY 100 FROM AGRICULTURE 20 (AG 20) TO RANGE & FOREST (RF). CMC ROCK LLC, APPLICANT; BALD MTN INVESTMENT, OWNER

Planner Richins reported that Planning and Zoning had given a favorable recommendation for the gravel pit.

Commissioner Wright asked about power.

Mr. Cusick responded that generators would be used.

Commissioner Johnson asked who the closest neighbor is.

Mr. Stott stated that it was Clark Thomas and that to his knowledge there is no opposition.

Commissioner Lyman made a motion to adopt Ordinance 26-01-20D, an ordinance of the Board of County Commissioners of Millard County, Utah, changing the zoning of approximately 560.0 acres of property located at approximately 6.5 Miles Southwest of Holden along State

Highway 100 from Agriculture 20 (AG 20) to Range & Forest (RF). CMC Rock LLC, Applicant; Bald Mtn Investment, Owner.

Commissioner Wright SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted YES. Commissioner Lyman voted YES. Commissioner Johnson voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 26-01-20, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, APPROVING THE REQUEST FOR MODIFICATION OF THE ROAD QUONSET FOR A CLEAN ROOM TO HOUSE SIGN MAKING EQUIPMENT

Commissioner Johnson stated that, per County policy, any changes or modifications to a building require approval. He noted that a Road Department quonset is being updated to serve as a clean room, with an estimated cost of $10,700.00.

Commissioner Wright made a motion to approve Resolution 26-01-20, a resolution of the Board of County Commissioners of Millard County, Utah, approving the request for modification of the road quonset for a clean room to house sign making equipment.

Commissioner Lyman SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted YES. Commissioner Lyman voted YES. Commissioner Johnson voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 26-01-20A, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, TRANSFERRING B&C ROAD BUDGET FROM ONE DEPARTMENT TO ANOTHER WITHIN THE SAME FUND, THEREFORE SEPARATING OPERATIONAL AND CAPITAL PROJECTS

Auditor Smith presented the possible budget transfer of $1,500,000.00 for the Cedar Mountain Road project and $1,800,000.00 to purchase equipment for a transfer in the total amount of $3,300,000.00 within the County Road Department Budget.

Commissioner Lyman made a motion to approve Resolution 26-01-20A, a resolution of the Board of County Commissioners of Millard County, Utah, transferring B&C Road Budget from one department to another within the same fund; therefore, separating operational and capital projects.

Commissioner Wright SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Wright voted YES. Commissioner Lyman voted YES. Commissioner Johnson voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF PAYMENT AND PARTICIPATION IN THE UAC CENTRALLY ASSESSED GROUP LITIGATION AND LEGISLATIVE PROGRAM

Commissioner Wright explained the program but expressed questions about how the

County's payment would be used and how it would impact County power. He recommended holding off on the program.

Commissioner Lyman raised concerns about whether the program, while intended to save money, would provide the same level of legal representation as in the past.

Commissioner Johnson also expressed opposition to proceeding at this time.

Auditor Smith will schedule a meeting to gather additional information and address these questions.

DISCUSSION AND POSSIBLE APPROVAL OF ERSI SOFTWARE AS A SOLE SOURCE PURCHASE

Auditor Smith explained the need to purchase ESRI software for the ArcGIS platform as a sole-source item. She noted that switching to new software would be inefficient and that ESRI is the most competent software in the field. The renewal cost is $19,206.00.

Commissioner Lyman made a motion to approve the ERSI software as a sole source purchase.
Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

PUBLIC INPUT

There was none.

OTHER BUSINESS

There was none.

DISCUSSION AND POSSIBLE APPROVAL FOR THE SALE OR TRANSFER OF SURPLUS PROPERTY

Auditor Smith reported that 30 Christmas hams were not picked up and expressed a desire to donate them to local food banks.

Commissioner Lyman made a motion to approve the surplussing 30 hams to the local food banks.
Commissioner Wright SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Clerk Rowley reported that there is still a vacancy on the Millard County Care and Rehab Board.

Commissioner Wright stated that the board will meet tomorrow to make a recommendation for the vacancy and that he would bring that recommendation back during the next Commission meeting for appointment.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX

There was none.

DISCUSSION BY EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

There was none.

POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Lyman made a motion to adjourn the meeting.
The meeting adjourned at 1:50 p.m..

Attest:_____ Approved:_____