

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
February 5, 2026**

The Millard County Planning Commission met on Thursday February 5, 2026, at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Erin Sorenson Planning Commission Chairman
DeMar Iverson Planning Commissioner
Phil Diaz..... Planning Commissioner
Shane Church..... Planning Commissioner
Wayne Jackson Planning Commissioner
Ron Larsen Planning Commissioner

EXCUSED: John Nye..... Planning Commission Vice Chairman
Pat Manis..... Planning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Denton Peterson..... Millard County Deputy Attorney
Mallori Wood..... Secretary
Natasha Lewis Applicant
Jayden Musselman Millard County Resident
Randy Morris Millard County Resident
Ken Visser Millard County Resident
Debbie Visser Millard County Resident
Kelly Carter..... Delta City
Whitt Sorenson Millard County Resident
Blair Cropper..... Millard County Resident
Sandee Cropper Millard County Resident
Deb Kesler Millard County Resident
Greg Kesler..... Applicant
Kalen Taylor..... Millard County Resident
Landon Kesler..... Millard County Resident
Danny Dutson Millard County Resident
Stacey Lake Millard County Resident
Randy Lake..... Millard County Resident
Chet Simper..... DPE
Richard Jacobson MCSO

Troy Tasker.....	Applicant
Erica Tasker.....	Applicant
Russell Anderson.....	Millard County Resident
Kevin Morris.....	Millard County Resident
Calvin Richards.....	Cals Landscaping
Tyler Gray.....	Gray Investments
Sheldon Byde.....	FERVO Energy
Matt Ward.....	Millard County Chronicle Progress
John Henrie.....	Millard County Resident
KC Bogue.....	Delta City
Brandon Law.....	FERVO Energy

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. She welcomed everyone present. John Nye and Pat Manis are excused from the meeting. Ron Larson will be a voting member of the commission rather than an alternate tonight.

2. PUBLIC INPUT- Ken Visser approached the commission and read a letter from Cindy Buter who couldn't attend the meeting.

3. PUBLIC HEARING for a Zone Change—Application #Z-2025-076 requesting a zone change from Agriculture (AG) to Heavy Industrial (HI) of approximately 1.03 acres of land located approximately ½ mile north of Delta. Troy Tasker, Owner/Applicant.

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

Erica Tasker approached the commission and gave a description of the application. They would like to change the property to Heavy Industrial to be able to have a secure enclosed facility for unwanted vehicles.

Commissioner Phil Diaz made a MOTOIN to close the public hearing. Commissioner DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE RECOMMENDATION— Application #Z-2025-076 requesting a zone change from Agriculture (AG) to Heavy Industrial (HI) of approximately 1.03 acres of land located approximately ½ mile north of Delta.

Commissioner Shane Church asked if Heavy Industrial were the only zone that would allow an impound yard. Planner Adam Richins stated this is the most appropriate one.

Commissioner Wayne Jackson asked if there was concern for contamination of the river that is nearby. Planner Adam Richins stated that the property is hundreds of feet away from the water.

Commissioner Phil Diaz asked for clarification of the location.

Commissioner Phil Diaz made a MOTION to send a favorable recommendation to the BOCC. Commissioner Wayne Jackson SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

A. Approve the zone change from Agriculture (AG) to Heavy Industrial (HI) if it is determined through consideration that the application meets the criteria (below).

B. 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)

5. PUBLIC HEARING—Text Amendment Application #Z-2026-001 amending Title 10, Chapter 18 of the Millard County Zoning Ordinance to reinstate regulations allowing for Temporary Construction Housing.

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

Calvin Richards and Tyler Gray approached the commission and gave a description of the application. They would like the commission to reinstate Temporary Construction Housing.

Kelly Carter approached the commission and stated that the temporary housing would have an impact on the water. He understands that the planning commission doesn't regulate the water but believes that it's important to consider it. He would also like the commission to consider that there has been another RV park put into town that would be able to house some of the workers.

Russell Anderson approached the commission. He owns an RV park in Delta. He asked for clarification of the application process. He would like everyone to follow the same rules and regulations as a full-time RV Park.

KC Bogue approached the commission and stated that when the ordinance was in effect prior Rocky Mountain was bypassed so nothing was improved or upgraded.

Stacey Lake approached the commission and stated that another thing to remember is that if it is going to be in an agriculture area there needs to be a policy for dumping their sewers and trash in the appropriate places.

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

6. REVIEW and POSSIBLE RECOMMENDATION—Text Amendment Application #Z-2026-001 amending Title 10, Chapter 18 of the Millard County Zoning Ordinance to reinstate regulations allowing for Temporary Construction Housing.

Commissioner Shane Church stated that having the temporary housing in order to support the orderly residential, commercial, industrial, and agricultural growth, temporary construction housing in unincorporated county has historically been allowed only to address the shortfall of existing approved lodging resources during large

projects. It was recently removed at the conclusion of several large construction projects to better encourage growth and new development to take place within the adjacent and existing communities. Recommendation to the Board of County Commissioners to add or reinstate this temporary construction housing to the table of uses should be made only if it can be demonstrated to the existing lodging resources are utilized and are insufficient to meet the project demands. Shane stated that he doesn't think that the ordinance needs to be reinstated right now because we haven't seen enough of a demand. Commissioner DeMar Iverson agreed with that.

Commissioner Ron Larsen stated that there have been issues and problems with what happened, and he thinks it needs to be addressed appropriately. He thinks there may need to be some higher standards that are necessary to make sure that they're meeting code and standards from that perspective as well, and that we can mitigate the impact on the county, whether it be fire, water, whatever it is.

Commissioner Wayne Jackson stated that timing is everything, and he doesn't feel that this is the right time to reinstate the temporary construction housing.

The applicant chose to withdraw their application

7. REVIEW and POSSIBLE APPROVAL—C-1 CUP Application # Z-2025-075 for a Commercial Campground located approximately 10398 W 17400 S (Cove Fort). Natasha Lewis, Applicant.

Natasha Lewis & Jayden Lewis approached the commission and gave a description of the application. They want to put a small campground on their property for their family and friends to have a place to stay when they visit.

Commissioner Erin Sorenson went over the recommendations with the applicant.

Commissioner Wayne Jackson made a MOTION to approve application #Z-2025-075 with a correction on A to no more than 6 spaces be developed. Not 24. Commissioner Shayne Church SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

The application as submitted complies with the requirements of this title, all other applicable ordinances and resolutions, and the building codes as adopted, and should be considered for approval with reasonable conditions to address the health, safety, and welfare of surrounding property owners and should be consistent with conditions which could foreseeably exist. Proposed Reasonable Conditions for the Commercial Campground:

- A. Not more than six (6) total RV spaces be developed.
- B. Dumping of RV waste be at approved offsite location or in a permitted septic system.

- C. Setbacks and proposed structures shall be substantially as described in the submitted site plan.
- D. Onsite waste containers be provided for solid waste. All waste be disposed of in permitted landfill.
- E. Fire prevention measures be implemented, and campfires be limited to approved firepits.
- F. Owner shall be responsible for all site security.
- G. Permit shall be subject to review at any time to ensure the operation is in compliance with all conditions and requirements of approval.

8. PUBLIC HEARING—C-2 Conditional Use Permit Amendment Application #Z-2026-003 for Surface Mining on property located at approximately 11000 North 400 West Holden. McCornwood, Owner, Greg Kesler, Applicant

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

Chet Simper with Distant Peak Engineering approached the commission and gave a description of the application.

Kalen Taylor approached the commission and asked about traffic. He has young children and is concerned about their safety. He is also concerned with the roads.

Greg Kessler approached the commission and stated that he has a meeting with Joule this week and is hoping to use his property that butts up to their property and wouldn't need to use a county road.

Commissioner DeMar Iverson made a MOTION to close the public hearing. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

9. REVIEW and POSSIBLE RECOMMENDATION—C-2 Conditional Use Permit Amendment Application #Z-2026-003 for Surface Mining on property located at approximately 11000 North 400 West Holden. McCornwood, Owner, Greg Kesler, Applicant

Landon Kessler approached the commission and asked about the road agreement process.

Commissioner Erin Sorenson went over the recommendations with the applicant.

Commissioner Wayne Jackson stated that when the Data Centers came in, this was the type of application that he was hoping to see and thanked the applicant for their application.

Commissioner DeMar Iverson made a MOTION to send a favorable recommendation to the BOCC. Commissioner Wayne Jackson SECONDED the motion. Voting was unanimous in the affirmative

RECOMMENDATION

1. Approve the C-2 Conditional Use Permit for Surface Mining 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. Federal and State Permitting Requirements. Uses within the designated project area shall comply with applicable Federal and/or State Permits and Licenses for the construction and operation of any such facilities. Nothing in this decision shall be deemed to authorize any public or private nuisance or to constitute a waiver or exception to any law, ordinance, or rule, except to the extent that it authorizes the use of the subject premises in the manner authorized herein.

2. Plans to be on File. Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner copies of all permits or plans submitted to Local, State or Federal Agencies in connection with obtaining approval of the surface mining project.

3. Required Reporting to be on File. Required compliance reporting submitted to any Local, State or Federal Agencies during the life of the project shall be provided to the Office of the County Planner at the time such reports, materials, and other correspondence are provided to the governmental agencies regulating the surfacing mining. Developer shall provide notice to the BOCC, County Attorney, County Planner, and County Representative of any non-compliance along with the corrective actions required by the governmental agencies regulating the construction and operation of the project.

4. Documents to be on File. Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner documentation that Developer is in compliance with applicable Federal or State Agency requirements relating to the construction and operation of the project.

5. Insurance. Developer shall provide a list of all project specific insurance coverage to the BOCC and Millard County Attorney, with such insurance coverage required to remain in place and valid until the Facility is abandoned. Developer shall provide updated lists from time to time as needed to reflect current changes in insurance coverage(s).

6. Warning Signage. Developer shall provide warning signage of a size, design and location as required by applicable laws, ordinances, and regulations.

7. Road Agreement. Developer shall enter into a road construction and maintenance agreement with Millard County prior to commencing construction of the project.

8. Necessary Conditional Use Permit Modifications. The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit upon a finding that such modifications, amendments, and additions are necessary to protect the public health, welfare and/or safety of the County. All such modifications, amendments, and additions shall comply with the procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

9. Amendments. All changes and modifications to this Conditional Use Permit, and not determined to be a minor facility plan modification, shall be considered by the Planning Commission and BOCC as an amendment to this Permit and shall be required to comply with all procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

10. Incorporation by Reference. All information, applications, permits, licenses, attachments, and all other information referenced herein are hereby incorporated into this Conditional Use Permit by reference.

11. Inconsistencies and Ambiguities. Any inconsistencies or ambiguities in the materials and information provided to the County by Developer and any ambiguities or inconsistencies in the Conditional Use Permit shall be interpreted and applied in favor of the County.

12. Recordation. Upon the approval of Conditional Use Permit # Z-2026-003, this Permit shall be recorded in the Office of the Millard County Recorder, with all Attachments being on file in the Office of the County Clerk and Office of the County Planner, with copies of the recorded document provided to the BOCC, County Attorney, County Planner, County representative, and Developer.

10. PUBLIC HEARING— C-2 Conditional Use Permit Application #Z-2026-007 for Electric Substation (major) at approximately 9400 N 4300 W Delta. SITLA, Owner, Fervo Energy, Applicant.

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

Brandon Long with FERVO Energy approached the commission and gave a description of the application.

Commissioner Wayne Jackson made a MOTION To close the public hearing. Commissioner DeMar SECONDED the motion. Voting was unanimous in the affirmative.

11. REVIEW and POSSIBLE RECOMMENDATION – C-2 Conditional Use Permit Application #Z-2026-007 for Electric Substation (major) at approximately 9400 N 4300 W Delta. SITLA, Owner, Fervo Energy, Applicant.

Commissioner Erin Sorenson asked the applicant If they would like to go over the conditions with the commission. The applicant stated that when glancing at them, they're very routine and standard for this type of facility and they don' t have any concerns.

Millard County Sheriff Jacobson approached the commission and talked about security of the area.

Commissioner Shayne Church made a MOTION to send a favorable recommendation to the BOCC. Commissioner DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the C-2 Conditional Use Permit 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)

RECOMMENDED CONDITIONS OF APPROVAL

1. The Facility. Applicant shall provide a final, stamped site plan showing surveyed facility boundaries, equipment layout, fencing, gates, access driveway connection, and a legal description of the permitted facility area.
2. Limited Approval. This CUP applies only to the properties and facility footprint described in the approved site plan and legal description.
3. Permitting Requirements. All Federal, State, and Local permits and approvals applicable to the Facility are incorporated as conditions of approval, including without limitation: (a) building and electrical permits; (b) stormwater permitting requirements (including UPDES coverage and preparation/implementation of a SWPPP, if required); and (c) any land-management approvals required by the landowner. Applicant shall provide permit/application status updates to the County within ten (10) business days of submittal to any regulatory agency.
4. Facility Footprint and Site Configuration. The Facility footprint, access, and fencing shall be consistent with the approved site plan and shall comply with applicable safety standards. Any material change to the use, footprint, or location of the Facility shall require County review and approval, and may require a CUP amendment.

5. Notices and Reporting. Applicant shall provide a copy of all reports, materials, and correspondence concerning the construction and operation of the Facility to the BOCC, County Attorney, and County Planner at the time such reports, materials, and other correspondence are provided to governmental agencies regulating the Facility.

6. Public Safety and Emergency Response. Prior to construction and on an annual basis thereafter, Applicant shall consult with the County to establish and update detailed public safety, fire, and emergency medical response protocols for the Facility. Approval shall be subject to review by the County Planner, Sheriff, and Fire Marshal and shall not be unreasonably withheld.

7. Road Maintenance Agreement. No construction activities may commence until a Road Maintenance Agreement is executed addressing potential deterioration of County roads resulting from construction traffic and heavy loads. The Agreement shall be reviewed and revised, as necessary, by the County Attorney and approved by the BOCC. The Agreement shall include provisions for adequate road maintenance and repair bonding (or other financial assurance) for any road deterioration caused by construction, along with performance guarantees and guarantee periods as determined necessary by the County Attorney and approved by the BOCC.

8. Site Security and Access. Applicant shall coordinate with the Sheriff's Office to establish appropriate access control and security measures during construction. The Facility shall be enclosed with security fencing and controlled access consistent with industry standards and the approved site plan. Gates shall be maintained to allow emergency access.

9. Fire Prevention Program. Applicant shall develop a Fire Prevention Program in consultation with appropriate Federal, State, and Local agencies and the Millard County Fire Warden (as applicable). This Program shall outline fire prevention practices, wildfire risk reduction/defensible space measures (as applicable), and fire-related emergency management protocols. A copy of the Program, as approved by the applicable regulatory authority (if required), shall be provided to the County Planner's office.

10. Cultural Resources and Unanticipated Discoveries. If cultural resources, human remains, or previously unknown archaeological materials are discovered during construction, work shall cease in the vicinity of the find and the appropriate agencies and land manager(s), including Utah School and Institutional Trust Lands Administration (SITLA) and the Utah State Historic Preservation Office (as applicable), shall be notified.

11. Warning Signage. Appropriate safety signage shall be installed at facility access points, along fencing lines, and at gates as required by law and industry standards.

12. Insurance. Applicant shall provide proof of all Applicant insurance coverage to the

County Attorney, with such insurance coverage naming Millard County as an additional insured. Coverage shall remain in effect until facility decommissioning is complete. Applicant shall provide updated documentation as needed to reflect changes in coverage.

13. Necessary Conditional Use Permit Modifications. The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this CUP upon a finding that such modifications, amendments, or additions are necessary to protect the public health, welfare, and/or safety of the County. All such actions shall comply with applicable County procedures for CUP amendments.

14. Amendments. All changes and modifications to this CUP not determined to be a minor modification approvable administratively by the County Planner shall be considered by the Planning Commission and BOCC as an amendment to the CUP and shall comply with all applicable County procedures for a CUP amendment.

15. Permit Runs with the Land. In accordance with state law, this CUP shall run with the land, and the obligations and benefits of the CUP shall, respectively, be binding on and inure to the benefit of all successors and assigns of Applicant in the ownership or development of any portion of the approved Facility.

16. Incorporation by Reference. All application materials, plans, permits, licenses, attachments, and other information referenced in this CUP are hereby incorporated into this CUP by reference.

17. Inconsistencies and Ambiguities. Any inconsistencies or ambiguities in the materials and information provided to the County by Applicant, and any ambiguities or inconsistencies in this CUP, shall be interpreted and applied in favor of the County.

18. Recordation. Upon approval and execution, this CUP shall be recorded in the Office of the Millard County Recorder, with all attachments maintained on file in the Office of the County Clerk and Office of the County Planner, and with copies of the recorded document provided to the County Attorney, County Planner, and Applicant.

19. Conditional Use Permit Review and Expiration. The approval of this CUP shall be reviewed on or before December 31, 2030, at which time, if a completed Building Permit Application with applicable fees has not been submitted and approved and a valid Building Permit issued for any above-ground structures requiring a permit under the adopted building code, the BOCC may extend the CUP approval, but in no case later than to December 31, 2031, upon recommendation by the County Planner and County Attorney and a finding of extenuating circumstances beyond the control of Applicant. Any extensions must be requested in writing prior to expiration. If construction at the Site is not commenced by December 31, 2031, the CUP shall expire and be void.

20. Severability. If any condition of this CUP is determined by a court of competent jurisdiction to be invalid, the remaining conditions shall continue in full force and effect.

12. OTHER BUSINESS – (Discussion Only) Subdivision Ordinance & Development Standards (Discussion Only) General Plan Updates

13. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held January 8, 2026, were presented for consideration and approval. Following review and minor corrections, Commissioner Wayne Jackson made a MOTION to approve the minutes as corrected. Commissioner Ron Larson SECONDED the motion. Voting was unanimous in the affirmative.

14. ADJOURNMENT- Commissioner DeMar Iverson made a MOTION to adjourn at 8:05 pm. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2026
Erin Sorenson, Planning Commission Chairman
Millard County Planning Commission