

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
March 5, 2026**

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

PRESENT: Erin Sorenson Planning Commission Chairman
Phil Diaz.....Planning Commissioner
Shane Church.....Planning Commissioner
Wayne JacksonPlanning Commissioner
Ron LarsenPlanning Commissioner
Pat Manis.....Planning Commissioner

EXCUSED: John Nye..... Planning Commission Vice Chairman
DeMar IversonPlanning Commissioner
Mallori Wood..... Secretary

ALSO PRESENT:

Adam Richins..... Millard County Planner
Denton Peterson Millard County Deputy Attorney
Landon Kesler.....Applicant
Greg Kesler.....Applicant
Kevin Morris..... Millard County Resident
Mike Hansen.....Rural Community Consultants
Dan Bradfield Millard County Resident
Ruth Bradfield Millard County Resident
Vicki LymanMillard County Commissioner
Russ Day Millard County Resident
Edria Day Millard County Resident
Stacey Lake Millard County Resident
Spencer Martin
Bryan Harris..... Long Road Energy
Pat Bennett Millard County Resident
Sharalyn Clayton Millard County Resident
Stetson Henrie Millard County Resident
Nicole Henrie Millard County Resident
Chet Simper..... Distant Peek Engineering
Matt Ward Millard County Chronicle Progress

Tamara Stewart Millard County Resident
Todd Cusick..... CMC
Dennis Alldredge Millard County Resident

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- Commission Chairman Erin Sorenson called the meeting to order at 6:31 PM. She welcomed everyone present.

2. PUBLIC INPUT- Stetson Henrie approached the commission. He owns a feed yard on 2500 N 2000 W. He has been going over the county zoning and noticed that the property north of him is zoned as residential and would like to know what needs to be done to rezone it as ag. He doesn't want a bunch of subdivisions going in.

Nicole Henrie approached the commission. She understands that people want to live in the country but doesn't think that the space next to dairy and feed yards is the right place. She would like the county to look into rezoning that area.

3. PUBLIC HEARING for a Zone Change—Application #Z-2026-005 requesting a zone change from Agriculture (AG) to Range & Forest (RF) of approximately 397.6 acres of property located southwest of the intersection of 11000 North 400 West Holden. McCornwood, Owner; Greg Kesler, Applicant

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

Chet Simper approached the commission on behalf of the applicant. This application is to rezone the property on the west side of the road that is contiguous to the JOULE site. That means they won't have to use the county roads to transport the material, cutting down dust and any disturbance to the surrounding property owners.

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

4. REVIEW and POSSIBLE RECOMMENDATION— Application #Z-2026-005 requesting a zone change from Agriculture (AG) to Range & Forest (RF) of

approximately 397.6 acres of property located southwest of the intersection of 11000 North 400 West Holden.

Chet Simper showed a map of the proposed zone change to the Planning Commission.

Commissioner Wayne Jackson thanked the applicant for using their land to support the Data Centers and stated that in the prior applications there were concerns of dust and disturbance in the area but believes that the applicant has mitigated them.

Commissioner Phil Diaz stated that the applicant mentioned wanting to lease the work to a contractor. He would like to know who oversees the road maintenance after that project is complete.

Deputy County Attorney Denton Peterson stated that in the conditional use permit it states that road maintenance would be the applicant's responsibility.

Commissioner Wayne Jackson made a MOTION to send a Favorable Recommendation to the BOCC for application #Z-2026-005 based on its conformance with the Millard County General Plan and meets the findings in code 10.8.3. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

A. Recommend the zone change from Agriculture (AG) to Range and Forest (RF) be made only 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 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—C-2 Conditional Use Permit Application #Z-2026-013 for Surface Mining on property located approximately 6.5 miles southwest of Holden along State Highway 100. Bald Mtn Investment, Owner; CMC Rock LLC, Applicant.

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

Todd Cusick with CMC approached the commission. This is a follow-up discussion to an item in a previous meeting that was presented by the Stott family and approved by the planning commission.

Commissioner Pat Manis made a MOTION to close the public hearing. Commissioner Shane Church SECONDED the motion. Voting as unanimous in the affirmative.

6. REVIEW and POSSIBLE RECOMMENDATION— C-2 Conditional Use Permit Application #Z-2026-013 for Surface Mining on property located approximately 6.5 miles southwest of Holden along State Highway 100.

Commissioner Erin Sorenson asked the applicant if they were able to go over all the reasonable conditions. The applicant stated yes, and they didn't see any issues.

Commissioner Erin Sorenson read the bullet points to the audience.

There was discussion about road construction and maintenance.

There was discussion about hours of operation. The applicant stated that it would be project specific. But in general, it is Monday – Saturday.

Commissioner Pat Manis made a MOTION to send a favorable recommendation of application #Z-2026-013 to the BOCC based on its conformance with the Millard County General Plan and meets the findings in code 10.8.3. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

Recommend Approval of the C-2 Conditional Use Permit for Surface Mining with reasonable conditions outlined below.

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)

PROPOSED 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. All changes to submitted permits or plans shall be provided to the County and kept on file.

3. Dust Mitigation Plan. Prior to commencing operations, Developer shall submit a dust mitigation plan to the Office of the County Planner for review and to be kept on file. The dust mitigation plan shall include, at a minimum: water or other approved dust suppressant application on haul roads, stockpiles, and active work areas as needed;

track-out control at the pit entrance/exit; speed limits on unpaved haul routes on-site; and procedures for responding to high-wind conditions. Developer shall implement the dust mitigation plan for the duration of operations and shall update the plan as needed to maintain compliance with applicable air quality requirements and to mitigate dust impacts to surrounding properties and roadways.

4. 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.

5. 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.

6. 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).

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

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

9. Necessary Conditional Use Permit Modifications. The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit (# Z-2026-013) 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.

10. 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.

11. 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.

12. 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.

13. Recordation. Upon the approval of Conditional Use Permit # Z-2026-013, 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.

7. PUBLIC HEARING C-2 Conditional Use Permit Application #Z-2026-011 for a Solar Energy System (Major) north of Brush Wellman Road and immediately west of the Intermountain Power Plant. Notch Peak Project LLC, Applicant.

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

Bryan Harris with Longroad Energy approached the commission on behalf of the applicant. He showed a presentation.

The whole project will take about 18 months to complete and they're hoping to start this year. There will be on average about 120 construction workers. At peak construction there will be significantly more. There is a sister project under construction in Milford. The same contractor building that site will build this one.

Matt Ward approached the commission and asked if Longroad was involved in improving the transmission line from Milford and if this is the same substation. Bryan Harris stated that it is a completely different substation.

Commissioner Phil Diaz made a MOTION to close the public hearing. Commissioner Ron Larsen SECONDED the motion; Voting was unanimous in the affirmative.

8. REVIEW and POSSIBLE RECOMMENDATION— C-2 Conditional Use Permit Application #Z-2026-011 for a Solar Energy System (Major).

Commissioner Pat Manis asked for clarification of the proposed project site.

Bryan Harris asked for clarification of item #4 & #9 in the recommendations.

Commissioner Ron Larsen asked what type of arrays will be used. These will be rotating arrays.

Sharalyn Clayton asked which road will be used to haul the equipment to and from the job site. She is concerned about Jones Road being used because there's no turning lanes, the road needs some upgrades.

There was discussion about where the construction workers will be staying.

Commissioner Wayne Jackson voiced his concerns about losing that much acreage to solar and the power not going back into Millard County.

Commissioner Erin Sorenson stated that she has the same concerns, but this area is already zoned and solar is a permitted use, unless the applicant can't meet a reasonable condition, then typically it is allowed.

Planner Adam Richins discussed recommendation #19 with the applicant. They stated they are hoping to start construction before December 2027, but understand that if they don't, they will need to come before the commission and re-apply for a conditional use permit.

Greg Kessler approached the commission; he has an additional 4000 acres on his ranch that are under the option right now. He stated that solar has been the best thing to happen to his ranch. The grazing was poor and they get more out of solar than they ever did out of livestock. He believes solar is a great fit for the county.

Commissioner Wayne Jackson asked Deputy County Attorney Denton Peterson whether his abstaining from the zone change application in a recent meeting would be considered inconsistent with him voting on this conditional use permit. Deputy Attorney stated, I don't think you're being inconsistent to vote or to do anything in that nature because it's a completely different application, completely different type of application.

Commissioner Shane Church made a MOTION to send a favorable recommendation of application Z-2026-011 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

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)

3. Approve the Permit with the following reasonable conditions:

- 1. The Facility. The applicant shall provide an accurate map of the Facility depicting the surveyed site boundary and legal description
- 2. Limited Approval. Conditional Use Permit #Z-2026-011 shall apply only to the property identified by the detailed legal description.
- 3. Permitting Requirements. All conditions and requirements of approval of all governmental permits, licenses, and/or orders required for the operation of the Facility, including, but not limited to, the plans and protocols referenced are hereby established as conditions of approval of Conditional Use Permit #Z-2026-011 and are incorporated herein by this reference as conditions of approval. Future modifications to these plans and protocols will be done in consultation with the County.

4. Notices and Reporting. Applicant shall provide a copy of all reports, materials, and other 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 the governmental agencies regulating the Facility.

5. 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 which shall be subject to approval by the County and such approval shall not be unreasonably withheld.

6. Road Maintenance Agreement. Prior to construction, a Road Maintenance Agreement be established between the County & the Applicant that addresses issues of possible County road deterioration as a result of construction equipment used during

construction. Such Agreement shall be reviewed and revised, as necessary, by the County Attorney and approved by the BOCC. This Agreement shall include provisions for adequate road maintenance and repair bonding for any road deterioration caused by construction, acceptable to the County Attorney, and all other performance guarantees and guarantee periods, as determined necessary by the County Attorney, and approved by the BOCC.

7. Site Security Plan. Applicant develop a Site Security Plan and an Emergency Planning and Response Plan in consultation with the Millard County Sheriff's Office. This Plan shall address Facility security measures and County public safety communication protocols. This Plan shall be discussed with representatives of the County and the County shall have the ability to comment on the provisions of the Plan. A copy of the Plan as approved by the applicable regulatory authority shall be provided to the Millard County Planner's office.

8. Fire Prevention Program. Applicant develop a Fire Prevention Program in consultation with the appropriate Federal, State and Local agencies. This Plan shall outline fire prevention practices and fire related emergency management protocols. This Plan shall be discussed with representatives of the County, and the County shall have the ability to comment on the provisions of the Plan. A copy of the Plan as approved by the applicable regulatory authority shall be provided to the Millard County Planner's office.

9. Facility Reclamation. Applicant's post bonds to ensure full reclamation of the property, including removal of surface improvements, re-contouring, and revegetation.

10. Warning Signage. All necessary Facility warning signage of a size, design and locations as required for the construction and operation of the Facility by all applicable laws, ordinances, and regulations shall be provided.

11. Insurance. Applicant shall provide a list of all Applicant 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. Applicant shall provide updated lists from time to time as needed to reflect changes in Applicant insurance coverage(s).

12. The County Planner and Applicant, communicating and coordinating together, shall have the obligation and responsibility to ensure that all conditions of Conditional Use Permit Z-2026-011 are met and complied with.

13. Necessary Conditional Use Permit Modifications. The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit #Z-2026-011 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.

14. Amendments. All changes and modifications to this Amended and Restated Conditional Use Permit, and not determined to be a minor facility plan modification that can be approved by the County Planner shall be considered by the Planning Commission and BOCC as an amendment to the CUP 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.

15. Permits Runs with Land. In accordance with state law, this Amended and Restated Conditional Use Permit 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 Project.

16. Incorporation by Reference. All information, permits, licenses, attachments, and all other information referenced herein are hereby incorporated into this Conditional Use Permit 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 the Conditional Use Permit shall be interpreted and applied in favor of the County.

18. Recordation. Upon the approval and execution of Conditional Use Permit Z-2026-011, 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, and Applicant.

19. Conditional Use Permit Review and Expiration. The approval of this Conditional Use Permit #Z-2026-011 shall be reviewed on or before December 31, 2027 at which time, if a completed Building Permit Application with the applicable fees has not been submitted and approved and a valid Building Permit issued for any above ground structures that require a permit under the applicable provisions of the International Building Code, the BOCC may extend the Conditional Use Permit approval, but in no case later than to December 31, 2028, upon a recommendation to do so from the County Planner and County Attorney, and with a finding by the BOCC of extenuating circumstances beyond the control of Applicant. If construction at the Site is not commenced by December 31, 2028, Conditional Use Permit #Z-2026-011 shall expire and be void.

9. PUBLIC HEARING to receive public comment on a proposed comprehensive update to the Millard County General Plan.

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

Mike Hansen approached the commission and gave an update of the progress.

Stacey Lake approached the commission and asked how she could read what's been added and what is going to stay the same. Her biggest concern is agriculture and farming.

Mike Hansen stated that he believes they have strengthened and doubled the emphasis of not just agriculture but also agribusiness. He used an example out of the draft, goal 3.2 on page 51 says; enhance and support the agricultural sector.

Matt Ward approached the commission and asked about preliminary municipalities.

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

10. REVIEW and POSSIBLE RECOMMENDATION—on the proposed comprehensive update to the Millard County General Plan.

Commissioner Erin Sorenson thanked the public for being involved and providing their input.

Planner Adam Richins stated that the goal is not to push this through and cut off anybody that wants to contribute or be a part of it.

Mike Hansen stated that he would be open to more meetings but also his email address and phone number are on the website for people to contact him directly.

Commissioner Wayne Jackson made a MOTION to send a favorable recommendation subject to any pending changes by the legislature to the BOCC. Commissioner Ron Larsen SECONDED the motion. Voting was unanimous in the affirmative.

11. OTHER BUSINESS- Planner Adam invited the public to have conversation with him about anything that is going on in the county.

12. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held November 18, 2025, were presented for consideration and approval. Following review and minor corrections, Commissioner Pat Manis made a MOTION to approve the minutes as corrected. Commissioner Wayne Jackson SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the Planning Commission Meeting held December 3, 2025, were presented for consideration and approval. Following review and minor corrections, Commissioner Wayne Jackson made a MOTION to approve the minutes as corrected. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the Planning Commission Meeting held February 5, 2026, were presented for consideration and approval. Following review and minor corrections, Commissioner Phil Diaz made a MOTION to approve the minutes as corrected. Commissioner Shane Church SECONDED the motion. Voting was unanimous in the affirmative.

13. ADJOURNMENT- Commissioner Phil Diaz made a MOTION to adjourn at 8:12 PM. Commissioner Pat Manis SECONDED the motion. Voting was unanimous in the affirmative.

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