Staff Proposed Text Amendment

Proposed ordinance showing additions and deletions
Edits are shown below as follows.
Added Language
~~Deleted Language~~

Original Added Language
~~Original Deleted Language~~

2.08 Definitions

Co-located power generation. An electrical generation plant developed on or adjacent to a data center site primarily to serve the data center facility, whether or not the generation plant also delivers power to the electrical grid.

Data Center: means a facility used primarily for the storage, management, processing, or transmission of data and includes, but is not limited to, buildings designed to accommodate computer servers, storage systems, or specialized computing hardware. A Data Center includes a Data Center principal use/structure, any Data Center accessory use/structure, and Data Center energy system. Examples of these facilities and uses include (but are not limited to) crypto processing, commercial cryptocurrency mining (bitcoin mining), artificial intelligence training and/or processing, and cloud-computing.

A. **Data Center Principal Use/Structure**: means any structure or building that is used primarily for the storage, management, processing, or transmission of data which includes, but not limited to, any building designed or used to accommodate and house computer servers, storage systems, or specialized computing hardware.
B. **Data Center Accessory Use/Structure**: means any structure or building that supports the operation of a Data Center, is located on the same tract or assemblage of adjacent parcels and is developed either as a unified development of or in further support of a Data Center. The category includes but is not limited to administrative, logistical, fiber optic, storage, and security buildings or structures; air handlers; process water and non-contact cooling water and wastewater management and treatment facilities; water holding facilities; pump stations; water towers; environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment), water cooling and storage facilities, security features, and any other associated electric, gas, water, wastewater, and stormwater infrastructure to support operations at the property.
C. **Data Center Energy Systems**: means energy generation and storage systems, including electrical generators or engines, electric substations, back-up power generators, battery energy storage systems (BESS), used or intended to be used as sources of electrical power during normal operations, or as back-up temporary power when the main source of power is interrupted; electric transmission and distribution lines; and pipelines. Information concerning such utility service facilities to be sited or extended on private property in support of a Data Center shall be provided to the Planning Department as part of any application.
D. **Data Center Campus:** A planned development consisting of multiple data center buildings and supporting infrastructure, including substations, backup power systems, cooling facilities, offices, warehouses, maintenance buildings, security facilities, and other accessory uses designed to function as an integrated data center complex.

Data Center Size: For purposes of classification under this section, the electrical demand and gross floor area thresholds set forth below shall be measured based on the Data Center as a whole, including the entire data center, as defined, including any associated development that comprise or support the facility, whether developed in a single phase or multiple phases. The thresholds shall not be applied separately to individual buildings, structures, phases, parcels, or components of a Data Center.

A. **Class I (Small-scale):** A data center facility with a designed or contracted maximum electrical demand of 5 megawatts or a gross floor area of 20,000 square feet or less.
B. **Class II (Mid-scale):** A data center facility with a designed or contracted electrical demand greater than 5 megawatts but not exceeding 20 megawatts, or a gross floor area larger than 20,000 but not exceeding 100,000 square feet.
C. **Class III (Large-scale):** A data center facility with a designed or contracted electrical demand greater than 20 megawatts but not exceeding 100 megawatts, or a gross floor area larger than 100,000 but not exceeding 500,000 square feet.
D. **Class IV (Hyperscale):** A data center facility with a designed or contracted electrical demand greater than 100 megawatts but not exceeding 500 megawatts, or a gross floor area larger than 500,000 but not exceeding 1,000,000 square feet.
E. **Class V (Giga-scale):** A data center facility with a designed or contracted electrical demand greater than 500 megawatts, or a gross floor area larger than 1,000,000 square feet.

Light Trespass: Light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner

Waste Heat: means heat generated as a byproduct of data center operations.

8.132 Data Center

A. Intent:

1. The purpose of this ordinance is to facilitate appropriate location, development, construction, installation, and decommissioning of Data Centers in unincorporated areas of Utah County in a predictable manner that promotes and protects the safety, health, and welfare of the community.

2. This Ordinance and the standards and requirements established herein are intended to define and regulate Data Centers in order to minimize impact on adjacent and surrounding properties; to ensure compatibility with other adjacent and surrounding land uses; to protect environmental resources, and to assure that the correlative rights of landowners and lessors owning or leasing and hosting Data Centers are balanced with those of neighboring land and communities; and to assure that the location, construction, operation, and decommissioning of Data Centers are undertaken in a manner that integrates the use into the surrounding built and natural environment.

3. The appropriate location, construction, and operation of Data Centers considers, avoids to the extent possible, minimizes, and mitigates any unavoidable adverse impacts to residential properties; neighborhoods; commercial areas; community and institutional buildings; land, air, and water resources; prime and productive agricultural lands; threatened and endangered species and critical habitat; and historic, natural, and sensitive lands. Standards and planning requirements are established to ensure that the use and enjoyment of lands located adjacent to and in the proximity of the Data Centers are safeguarded.

4. The requirements of this Ordinance are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

B. Scope: Upon receipt of a complete application, the Zoning Administrator shall approve a Data Center Facility, along with any incidental accessory Structures, facilities, and uses, in a zone in which such uses are listed as a permitted use, provided that all of the following conditions and requirements are met.

C. General Requirements

1. Notice

a. **Notice by Mail.** At least 90 days, but not more than 180 days, before submitting an application to the County for a permit to construct a Class II or above Data Center Facility, the applicant shall provide written notice of the proposed Data Center to:

(1) Each landowner with property within one mile of any proposed data center structure, data center accessory structure, or data center energy systems structure;

(2) Each entity operating from property within one mile of a data center structure, data center accessory structure, or data center energy systems structure;

(3) Each affected municipality if the proposed Data Center is located within a Data Center Overlay Zone and within an area identified for future annexation in an adopted municipal annexation policy plan;

~~(3)~~(4) Each affected entity as defined under Utah Code § 17-79-102; and

~~(4)~~(5) Utah County Commissioners, Utah County Community Development Director, and Utah County Public Works Director.

b. **Notice to Include.** The notice shall include, at a minimum:

(1) the name and address of the land use applicant;

(2) the name, telephone number, and email address of a contact person for the land use application;

(3) the location and map of the proposed data center site;

(4) the size of the data center, including the building square footage and the anticipated power in megawatts;

(5) the size identified in (4) for both the current phase, and the full build out, if the data center site is a phased project;

~~(3)~~(6) directions, including a webpage address and applicable social media account information, to the specific project website and associated project social media pages;

~~(4)~~(7) instructions for the submission of public comments and information of anticipated public meetings; and

~~(5)~~(8) the time, date, and location of any public workshops for the project, if they are scheduled.

c. **Modifications or Alterations to Approved Plan ~~Significant Change or Alteration~~**. ~~Any significant change or alteration to an approved plan, which includes:~~

(1) **Modifications Requiring Full Re-Noticing**. New notice under this section is required before the County approves or the applicant implements any of the following to an approved Data Center plan:

(A) a change in facility size category under this section;

(B) an increase of more than ten percent (10%) in approved maximum electrical demand or in approved gross floor area;

(C) relocation of a Data Center Principal Use/Structure, Data Center Energy System, or co-located power generation facility more than two hundred (200) feet from its approved location, or any relocation that causes a failure of a location standard of this section (including residential separation, setbacks, or sensitive-lands standards);

(D) an expansion of the Data Center onto land not included in the approved plan (provided, however, this subsection (1)(D) does not apply to off-site electric transmission, distribution, or substation facilities constructed in a public right-of-way or in an easement required by the serving utility and not used as a Data Center Principal Use/Structure);

(E) addition of a new co-located power generation facility, battery storage, or a change from grid service to co-located generation or a conversion from co-located generation to grid service, that was

not identified or reasonably foreseeable from the approved plan or infrastructure plan; or

(F) a modification the Zoning Administrator determines, in writing and supported by specific findings identifying a material off-site impact not previously evaluated, is equivalent in impact to (A)-(E). A determination under this subsection (F) is appealable to the County Commission, and the modification may proceed as an administrative amendment under subsection (2) unless and until the determination is upheld on appeal.

(2) **Administratively Approved Modifications — Exempt from Full Re-noticing**. The following may be approved administratively by the Zoning Administrator, without new mailed notice under this section, if the modification still complies with this section and any applicable development agreement:

(A) a decrease in electrical demand, floor area, height, or number of structures;

(B) an increase of ten percent (10%) or less in approved maximum electrical demand or gross floor area that does not change the facility size category and does not violate a location standard;

(C) addition, removal, or relocation of accessory structures (excluding cooling system structures), screening, parking, fencing, landscaping, stormwater facilities, or interior utilities;

(D) a phasing-plan revision that does not extend the outside approval period, does not add land, and does not increase approved demand or floor area beyond subsection (2)(B);

(E) changes to architectural detailing, equipment manufacturers, or interior layout that do not increase off-site noise, light, thermal, or height impacts beyond the approved studies; and

(F) substitution of equivalent mitigation (noise walls, landscaping, lighting fixtures) that the Zoning Administrator finds is not less protective than the approved plan.

(3) **Alterations to Ownership, Control, and Financing — Exempt from Full Re-notice.** The following are not a "significant change" and do not require new notice under this section, provided written notice of the new land-use contact is filed with the Community Development Department and any required decommissioning assurance and recorded covenant remain in full force or are replaced at the same time:

(A) transfer of fee title to a successor that assumes the approved plan, development agreement, and decommissioning obligations in writing;

(B) transfer of membership, partnership, or stock interests, including a change in majority control of the applicant, owner, or operator;

(C) internal reorganization, name change, or substitution of an affiliate;

(D) collateral assignment, foreclosure, or deed in lieu to a lender, and a subsequent transfer by that lender to an operator that assumes the same obligations;

(E) change of facility operator or lessee that assumes the operating, monitoring, and decommissioning obligations; and

(F) sale of an individual pad, phase, or parcel within an approved campus to a user that will operate under the same approved plan and campus caps.

(4) **Scope of Notice.** Where subsection (1) requires new notice, the notice shall describe the proposed modification and shall not require resubmission of the application in its entirety, and shall be mailed to the same recipients as was required for the original notice. One additional Open House is required for any subsection (1) modification.

(5) **Website Information**. Any change under subsection (1), (2), or (3) that occurs during the period a website or social media is required shall also be posted on that website and social media site(s).

(6) **Zoning Administrator Determination.** A determination under subsection (1)(F) or (2) shall be in writing. The applicant may request, and the County shall provide within 30 days of receipt of the request, a written determination whether a proposed modification falls under (1), (2), or (3) before filing the proposed modification or if more information is required to issue a determination.

~~(7) the addition or removal of any structure;~~

~~(8) a significant increase or decrease in the size, height, or footprint of any structure;~~

~~(9) a change in the facility size category;~~

~~(10) a change in ownership;~~

~~(11)a change in the location or configuration of the facility;~~

~~(12) a modification to the approved phasing plan;~~

~~(13) a significant change in the area or boundaries of the approved development; or~~

~~(14) a significant change or modification as determined by the Zoning Administrator;~~

~~shall require new notice to be provided in accordance with the notice requirements of this section prior to approval or implementation of the change.~~

2. Community Engagement and Public Information Plan

a. **Project Website and Social Media.** The applicant shall establish, maintain, and regularly update a publicly accessible website dedicated to providing information regarding the proposed data center and its construction and operation. The applicant shall also establish, maintain, and regularly update one or more publicly accessible social media accounts dedicated to providing project-related information and updates. The website and social media accounts shall be established prior to mailing any notice required by this section and shall remain operational and publicly accessible throughout the construction of the facility. The applicant shall maintain the required social media accounts throughout construction and shall continue to maintain them during facility operation for the purpose of communicating material project updates, operational information, and other information required by this Section.At a

minimum, the Project Website and applicable social media accounts shall include:

(1) **Project Information**. A general description of the proposed data center, including the project location, proposed size and capacity, anticipated construction schedule, phasing plan, and status of required approvals. The Project Website shall provide links to the applicant's project-related social media accounts.

(2) **Applicant and Facility Contact**. The name, title, telephone number, and email address of a designated data center point of contact responsible for responding to questions and concerns regarding the project. The Project Website and social media accounts shall identify or provide a link to the designated project contact and the methods available for submitting questions or concerns.

(3) **Public Inquiries and Requests for Information**. A description of the procedures by which members of the public may submit questions or concerns regarding the proposed or operating facility, including a means of submitting such electronically.

(4) **Public Meetings and Engagement**. Notice of public information meetings, community meetings, open houses, or other public engagement activities held or proposed by the applicant, including the date, time, location, purpose, and, when available, presentation materials or other relevant information. The applicant shall use its project-related social media accounts to provide notice of these activities and shall include a link to the applicable information on the Project Website when available.

(5) **Emergency and Incident Notifications**. Information regarding the applicant's procedures for notifying affected neighbors and appropriate public officials of significant emergencies, incidents, or other events associated with the facility that may reasonably affect public health, safety, property, or the surrounding community. Where appropriate and consistent with applicable emergency response procedures, the applicant shall use its project-related social media accounts to disseminate information regarding significant incidents and direct the public to authoritative updates. Social media notifications shall supplement, and shall not replace, any required direct notification to affected property owners, public officials, or emergency response agencies.

(6) **Facility Contact During Construction and Operation**. A plan for maintaining a publicly available facility contact throughout construction and operation, including a current telephone number and email address through which the public and public officials may contact a responsible representative of the applicant or facility operator.

(7) **Website Updates**. The applicant shall maintain current and accurate information on the Project Website and shall update the website within a reasonable period following any material change to the information required by this Section. The website shall identify the date on which the information was last updated. The applicant shall regularly update its project-related social media accounts with project information, including construction progress, schedule changes, public engagement

opportunities, and other significant updates relevant to the surrounding community. Social media updates shall be consistent with the information provided on the project website. The applicant shall correct or clarify materially inaccurate information published through its project-related social media accounts within a reasonable period after identifying the inaccuracy.

(8) **Accessibility**. The Project Website shall be available to the public without requiring registration or payment and shall provide a clear method for members of the public to submit questions or concerns and identify the expected response time for inquiries. Project-related social media accounts shall be publicly viewable without requiring users to follow the account, to the extent permitted by the social media platform.

(9) Social Media Account Information and Maintenance. The applicant shall provide the County with the names, platform information, and direct web addresses for all project-related social media accounts established pursuant to this Section. The applicant shall notify the County of any change to an account's web address, the establishment of an additional project-related account, or the discontinuation of an account within a reasonable period of the change. The applicant shall maintain the required accounts in an active and publicly accessible condition, subject to the availability and operating requirements of the applicable social media platform. If an account becomes unavailable or is discontinued, the applicant shall establish a replacement account or provide an alternative means of meeting the communication requirements of this Section and notify the County accordingly.

b. **Community Open House**

(1) **Open House is Required**. Prior to submittal of a complete application, an applicant proposing a data center of Class II or above shall host a minimum of two (2) public open houses to inform the community about the proposed project and receive public comment. The open house shall:

(A) be hosted and conducted by the applicant.

(B) be held on two separate days; and

(C) begin no earlier than 6:00 p.m. on a weekday.

(2) Notification of Open Houses.

(A) Not more than forty-five (45) days, and not less than twenty-one (21) days, before the open house, the applicant shall mail written notice — by postcard or letter — to all owners of record of property located within at least one (1) mile of the boundary of the proposed data center lot or parcel, as shown on the most current Utah County Assessor's records.

(B) The notice shall include, at a minimum, the date, time, and location of the open house, location of a proposed data center, a general description of the proposed project, website and social media information, and contact information for the applicant.

c. **Proof of Community Engagement Required**. A complete application submittal shall include documentation demonstrating compliance with this section, consisting of:

(1) a description of applicant outreach to applicable property owners, service providers, municipalities, ~~special districts~~affected entity, and the public;
(2) a copy of the notices mailed as required in this section, together with a mailing list or log of all property owners notified;
(3) any public information meetings held or proposed by the applicant;
(4) an attendance record from the open house;
(5) a written summary of the open house, including the substance of questions and comments raised; and
(6) a proposed method for providing project information, application summaries, updates, and responses to common questions;
(7) a process for receiving, tracking, responding to, and reporting public comments and complaints;
(8) a report summarizing and addressing the public comments received.
(9) a method for notifying neighbors of operational changes, expansions, substantial modifications, construction impacts, emergencies, or incidents; and
(10) a plan for maintaining a publicly available facility contact during construction and operation.

3. Required Submittal Documents

a. **Site Plan**: A project site plan shall be prepared at a scale sufficient to clearly identify existing and proposed conditions on the property and shall be submitted in accordance with applicable County requirements. The site plan shall include each of the following, as applicable:

(1) Property. Project area showing property boundaries, Lot/Parcel boundaries and dimensions, easements, and rights-of-way.

(2) Buildings

(A) Location, dimensions, and elevations of all proposed and existing structures.
(B) Building setbacks from property lines, and public rights-of-way.
(C) Architectural elevations and renderings showing building mass, materials, articulation, rooftop equipment, screening, and visibility from public rights-of-way and nearby properties.

(3) Access and Parking

(A) All driveways and access points.
(B) Internal vehicle circulation.
(C) Fire apparatus access.
(D) Employee and visitor parking.

(4) Pedestrian Facilities

(A) Sidewalks and pedestrian routes.
(B) Connections to existing sidewalks or public pedestrian facilities.
(C) Accessible pedestrian routes between parking, entrances, and public rights-of-way.

(5) Screening and Landscaping

(A) Landscape plan.
(B) Berms, walls, fences, or other screening where appropriate.
(C) Screening should address visual, lighting, and noise impacts.

(6) **Utilities**

(A) Existing and proposed electric, gas, water, sewer, telecommunications, and other utility infrastructure.

(B) Utility easements.

(7) **Electrical and Mechanical Infrastructure**

(A) Locations of substations, transformers, switchgear, utility structures, power generation structures, energy storage systems, and transmission/distribution infrastructure.

(B) Emergency generators and associated fuel tanks.

(C) Cooling towers, chillers, condensers, heat-rejection equipment, and other exterior mechanical equipment.

(8) **Public Roads**: Location of existing and proposed public roads

(9) **Natural Features**: Location of wetlands, streams, floodplains, natural hazards, wildlife corridors, and other regulated or sensitive areas.

b. **Stormwater and Drainage Plan**

(1) Existing and proposed drainage patterns.

(2) Detention/retention facilities.

(3) Stormwater outfalls.

(4) Impervious-surface calculations.

(5) Erosion and sediment-control facilities.

(6) Locations of cooling-water discharge or other process-water discharge, if applicable

c. Community Engagement and Public Information Plan

d. Sound Study and Mitigation Plan in accordance with this section.

e. Lighting Plan in accordance with this section.

f. Water Feasibility Plan in accordance with this section.

g. Onsite Wastewater/Disposal Plan in accordance with this section.

h. Groundwater and Wastewater Monitoring Plan in accordance with this section.

i. Thermal Impact Analysis and Mitigation Plan in accordance with this section.

j. Fire Protection, Hazardous Materials, and Emergency Response Plan in accordance with this section.

k. Infrastructure Plan in accordance with this section.

l. Any other applicable plan as specified in this section.

m. a description of how the facility will comply with all applicable County engineering, road, stormwater, fire, building, and development standards.

4. **Location within a Zone.** A data center shall meet the following location requirements or be entirely located within the Data Center Overlay (DCO) Zone.

a. **Road Frontage and Classification**: A Data Center located on a Lot or Parcel shall directly abut and obtain its primary access from an existing or planned county or state road designated as a collector or arterial on the most recently adopted Utah County General Plan Transportation Element Map and shall comply with all applicable Road Improvement Requirements of this section.

b. **Distance from Transmission Line**. A data center shall be located within 1 mile of an existing high-voltage electric transmission corridor or substation capable of providing the electrical capacity required by the facility.

c. Municipal Annexation Policy Plan. A Data Center shall not be located within an area identified for future annexation in an adopted municipal annexation policy plan.

d. **Residential Separation**. A data center shall be located at least 1,000 feet from:
   (1) the boundary of any property within a residential zone as defined by the UCLUO, or residential zone within a municipality; and
   (2) any existing residential dwelling.

   The 1,000-foot separation shall be measured in a straight line from the nearest point of the data center building or accessory structure to the nearest point of the applicable residential zoning boundary or existing residential dwelling.

e. **Prime Farmland**. A data center shall not be located on land with soils classified as either prime farmland or farmland of statewide importance, as identified on the most recent soil map published by the U.S. Department of Agriculture, Soil Conservation Service.

f. **Environmentally Sensitive Areas**. A data center shall not be located:
   (1) Within a wetland subject to federal jurisdiction or require a permit under Section 404 of the Clean Water Act.
   (2) Within a Special Flood Hazard Area (100-year floodplain) as shown on the most recent Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency.
   (3) Within a riparian buffer of the applicable waterway, measured horizontally from the top of bank or ordinary high-water mark:
      (A) 100 feet from an intermittent stream, lake, pond, or wetland;
      (B) 150 feet from a perennial stream or river; or
      (C) 200 feet from any waterway designated Exceptional Value or High Quality by the Utah Division of Water Quality; or
   (4) Within any area identified as critical wildlife habitat, a conservation priority area, or an environmentally sensitive area in the most recently adopted Utah County General Plan or the Utah Wildlife Action Plan

5. Setbacks. Structures associated with a Data Center Facility shall comply with the setback requirements of this section, as applicable.

a. **Front Setback**: All Data Center Structures, Data Center Accessory Structures, and Data Center Energy System Structures, other than landscaping features and Fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front Setback of at least one hundred (100) feet, unless a greater Setback is required by UCLUO 4, UCLUO 6, and UCLUO 8.

b. **Side and Rear Setback**: All Data Center Structures, Data Center Accessory Structures, and Data Center Energy System Structures, other than landscaping features and Fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear Setback of at least fifty (50) feet, unless a greater Setback is required by UCLUO 4, UCLUO 6, and UCLUO 8.

6. Area Requirements

a. **Class I (Small-scale)**
   (1) Minimum Area Requirement: Fifty (50) acres.

b. **Class II (Mid-scale)**

(1) Minimum Area Requirement: Fifty (50) acres.

c. **Class III (Large-scale)**
   (1) Minimum Area Requirement: Fifty (50) acres for facilities with a designed or contracted maximum electrical demand of fifty (50) megawatts or less.
   (2) For facilities with a designed or contracted maximum electrical demand greater than fifty (50) megawatts, the minimum site area shall be calculated at one (1) acre per megawatt for each megawatt above fifty (50) megawatts, in addition to the required fifty (50)-acre minimum.

d. **Class IV (Hyperscale)**
   (1) Minimum Area Requirement: One (1) acre per megawatt of designed or contracted maximum electrical demand.

e. **Class V (Giga-scale)**
   (1) Minimum Area Requirement: One (1) acre per megawatt of designed or contracted maximum electrical demand.

f. **Calculation of Minimum Area**
   (1) For purposes of this Section, electrical demand shall be measured by the Data Center Facility's designed or contracted maximum electrical demand, expressed in megawatts (MW).
   (2) Where the minimum area requirement is based on electrical demand, the required site area shall be calculated using the facility's maximum designed or contracted electrical demand, regardless of the facility's actual or anticipated initial operating load.

7. Noise

a. **Sound Levels**: A data center shall comply with all applicable sound level standards as set forth in Utah County Code Section 7.12.

b. **Initial Sound Study**: Initial Sound Study. Prior to approval the applicant shall submit an initial sound study prepared, signed, dated, and stamped by an independent third-party acoustical engineer. The study shall document:
   (1) The baseline sound levels on or within the project site;
   (2) The baseline sound levels measured at the property line of the nearest property that is planned or zoned for residential use; and
   (3) The baseline sound levels at other noise-sensitive locations as reasonably determined by the Zoning Administrator.

   The Initial Sound Study shall include measurements representative of both daytime and nighttime conditions and shall identify existing low-frequency sound conditions where reasonably necessary to evaluate potential impacts from the proposed Data Center.

c. **Sound Mitigation Plan**. The applicant shall submit a Sound Mitigation Plan prepared, signed, dated, and stamped ~~or certified~~ by an independent third-party acoustical engineer. The Sound Mitigation Plan shall demonstrate that the Data Center has been designed and will be constructed to comply with the applicable noise standards in Utah County Code Chapter 7.12.
   (1) The location of all significant noise-generating equipment.
   (2) Acoustical modeling demonstrating compliance with the applicable sound level standards.

(3) The location, design, and specifications of proposed sound barriers, enclosures, equipment screens, or other mitigation measures.

(4) For a Data Center developed in phases, noise modeling and monitoring shall account for the cumulative noise generated by the approved or reasonably foreseeable full buildout of the Data Center campus.

d. **Low Frequency Noise**. The sound mitigation plan shall evaluate low frequency noise levels.

(1) Where the acoustical engineer determines that low-frequency sound may result in impacts on adjacent properties that are not adequately addressed by conventional A-weighted sound measurements, the Sound Mitigation Plan shall identify appropriate mitigation measures, require implementation of those measures, and the applicant shall be required to implement those mitigation measures. The Sound Mitigation Plan shall also specify the methods proposed to verify compliance following implementation of the mitigation measures.

(2) The Zoning Administrator may require additional low-frequency sound analysis, including C-weighted sound measurements or octave-band or one-third octave-band analysis, when reasonably necessary to evaluate potential impacts.

(3) The applicant shall implement and maintain all mitigation measures required pursuant to this subsection for as long as the data center remains in operation.

~~d.~~c. **Noise Monitoring**. Noise monitoring, paid for by the applicant, shall be conducted by an independent third-party acoustic engineer, who is acceptable to the County. Noise monitoring shall be conducted:

(1) Prior to the data center commencing operations, to establish baseline conditions;

(2) Within six months of commencing operations, to verify compliance with applicable sound level standards;

(3) At least once every three years thereafter; and

(4) At any other time reasonably required by the Zoning Administrator when there is a documented complaint, material modification to the Data Center, addition of significant noise-generating equipment, or other reasonable basis to believe that applicable noise standards may not be satisfied.

~~e.~~f. **Compliance and Corrective Measures**. If noise monitoring demonstrates that the Data Center does not comply with applicable County noise standards, the operator shall promptly investigate the source of the exceedance and submit a corrective action plan to the Zoning Administrator. The corrective action plan shall:

(1) identify the measures necessary to achieve compliance; and

(2) establish a reasonable schedule for implementation and follow-up monitoring.

~~f.~~g. **Additional Monitoring**. The County may require additional monitoring to verify that corrective measures have achieved compliance.

8. **Lighting**

a. **Lighting Plan**: The applicant shall submit a lighting plan, which includes each of the following:

(1) Photometric diagrams showing predicted illumination levels across the site and at all property lines;

(2) Location, orientation, and height of exterior fixtures; and

(3) Measures to prevent glare and light trespass onto residential properties.

b. **Shielding and Light Direction**. All exterior lighting shall be:

(1) Fully shielded or full cutoff;

(2) Directed downward and toward the interior of the property;

(3) Designed so that the light source is not directly visible from an adjoining property; and

(4) Designed to prevent light from being directed onto adjoining properties, public rights-of-way, or into the night sky.

c. **Light Trespass**. Exterior lighting shall not exceed:

(1) 0.1 footcandles at the property line of any adjoining property within a Residential Zone, contains an existing dwelling, or contains another light-sensitive use identified by the Zoning Administrator.

(2) 0.5 footcandles at the property line of any adjoining property that is zoned for commercial, agricultural, or industrial use.

9. **Water, Wastewater, and Cooling System**

a. **Cooling System**

(1) All Data Centers shall utilize one or more of the following cooling systems, designed to minimize water consumption:

(A) Closed-loop liquid cooling systems;

(B) Air-cooled systems;

(C) Dry-cooled systems;

(D) Hybrid systems designed to minimize evaporative or other water losses.

(2) The following cooling systems are prohibited:

(A) Once-through cooling systems; and

(B) High-loss evaporative cooling systems.

b. **Water Usage**

(1) Water Allowances for ~~Closed Loop System~~Data Centers:

(A) Initial Fill: The initial fill volume of a closed-loop cooling system shall not exceed the amount identified as necessary to fill the system in the approved Water Feasibility Study.

(B) Scheduled Maintenance Refill: Any refill of the closed-loop cooling system shall require an updated Water Feasibility Study. The water required for any complete drain and refill shall not exceed the amount approved in the Water Feasibility Study. A Data Center shall not completely drain and refill its closed-loop cooling system more frequently than once every five (5) years, unless an earlier drain and refill is required by the equipment manufacturer, necessary to address contamination or system failure, and approved by the County. ~~If a drain and refill of a~~

~~closed-loop cooling system, combined with the Data Center's annual water use, exceeds 600,000 gallons in a calendar year, the applicant shall submit a new Water Feasibility Study meeting the requirements of subsections (3) and (4).~~

(C) Cooling System Water Use: Annual water use for the Cooling System shall not exceed 300,000 gallons per calendar year.

~~(B)~~(D) Power Generation Water Conservation**:** The applicant shall identify and implement water conservation measures and water-efficient technologies for on-site power generation. The applicant shall evaluate and prioritize power-generation technologies and cooling methods that minimize water consumption and identify the measures selected for implementation in the Water Feasibility Study.

~~(C)~~(E) Annual Water Usage: The annual water ~~use~~ usage ~~of a closed-loop cooling system~~ for all uses associated with the Data Center, excluding the initial fill or a drain and refill, shall not exceed the amount approved in the Water Feasibility Study for any calendar year.

(2) Public Water System: If a Data Center is served by a public water system, the applicant shall provide the public water system with a water feasibility study that meets the requirements in Subsection (3) excluding paragraph (F) and (G). ~~t~~The applicant shall provide a will-serve letter and written confirmation from the water provider that sufficient water supply and water rights are available to serve the Data Center without adversely affecting existing customers or the provider's ability to meet existing demand.

(3) Water Feasibility Study Required: ~~Any Data Center~~ The applicant ~~not served by a public water system~~ shall submit a Water Feasibility Study, prepared, signed, dated, and stamped by a professional engineer licensed in the State of Utah. At a minimum, the Study shall include:

(A) Projected water demand, including average, peak, and seasonal variations, and the estimated annual water required to maintain the closed-loop cooling system;

(B) The projected initial fill volume for the closed-loop cooling system, along with supporting calculations detailing the water required for all piping, chillers, heat exchangers, storage tanks, and other system components;

(C) A description of all proposed water uses and the estimated percentage of total water use for each, including cooling, humidity control, power generation, fire suppression, domestic use, irrigation, and any other water-consuming use;

(D) A description of the proposed cooling technology and water-efficiency, recycling, and reuse measures;

(E) The location of any source protection areas on the property and an assessment of potential impacts; and

~~(E)~~

(F) Identification of each water right proposed to serve the Data Center, including documentation of its validity, legal availability, and the applicant's right to use it, and confirmation that the total quantity is sufficient for the proposed use.

~~(4) Additional Requirements for Withdrawals of 600,000 gallons or more: Any Data Center that proposes to withdraw or consume 600,000 gallons or more for initial fill or during any calendar year shall, in addition to the requirements of subsection (3), demonstrate that the proposed use will not adversely affect groundwater resources, existing water rights, wells, or surface waters, including:~~

~~(A)~~(G) The maximum sustained withdrawal from each water source without adverse impact to groundwater levels, existing water rights, nearby wells, or surface waters, including during drought and low-recharge conditions;

(H) The maximum amount of water that can be withdrawn per day for the initial fill or drain and refill of the closed-loop system with an assessment that the withdrawal will not impair exitsting users' ability to obtain their existing supply groundwater levels, existing water rights, nearby wells, surface waters, high-yield wells, or existing municipal, community, agricultural, and industrial groundwater uses, including during drought and low-recharge conditions, within one (1) mile of the property boundary;

~~(B)~~(I) The location, depth, construction, and capacity of all existing and proposed wells within one ~~half~~ (1~~/2~~) mile of the property boundary, including high-yield wells, with an assessment that the withdrawal will not impair existing users' ability to obtain their existing supply;

(J) The location of existing municipal, community, agricultural, and industrial groundwater uses within one ~~half~~ (1~~/2~~) mile, with an assessment that the withdrawal will not impair existing users' ability to obtain their existing supply; ~~and~~

(K) A description of the proposed cooling technology and water-efficiency, recycling, and reuse measures. The Study shall also identify the water-saving techniques proposed by the Data Center and specify the techniques that the Data Center shall be required to implement to minimize water consumption;

(L) Power Generation Requirements: The Water Feasibility Study shall describe the proposed on-site power-generation technology, evaluate low-water-use power-generation technologies and cooling methods, estimate water use, and identify the water-saving techniques that will be implemented to minimize water consumption;

~~(C)~~(M) Refill Requirements: The applicant shall evaluate the feasibility of collecting, treating, and reusing water drained from the closed-loop cooling system during maintenance, repairs, or a complete drain and refill. Recovered water shall be reused when

technically feasible and when it meets the cooling system manufacturer's water-quality specifications. The Water Feasibility Study shall identify the proposed treatment and reuse methods and estimate the amount of water that can be recovered and reused; and

~~(D)~~(N) Contingency measures for water-supply interruptions or emergencies, including backup sources and procedures for reducing or suspending operations.

~~(5)~~(4) No data center shall be approved unless the Water Feasibility Study demonstrates that an adequate and reliable water supply is legally available and that the proposed water use will not adversely affect groundwater, existing water rights, existing wells, or surface waters.

c. **Wastewater**

(1) If served by a public wastewater system, the applicant shall provide a will-serve letter and written confirmation from the sewer provider that sufficient capacity is available without adversely affecting existing customers or demand. Any required system upgrades shall be installed by the applicant and ~~must~~ shall be completed before a building permit is issued for the proposed Data Center.

(2) Septic System: If the Data Center includes a proposed septic system, the applicant shall comply with applicable federal, State of Utah, and Utah County Health Department requirements.

(3) Onsite Wastewater/Disposal Plan: The applicant shall submit an Onsite Wastewater Disposal Plan prepared, stamped, signed and dated by a professional engineer or hydrologist. The Plan shall identify the source, estimated volume, chemical composition, and characteristics of all wastewater, blowdown, maintenance discharge, and other fluids generated by the Data Center's cooling system. The Plan shall identify the proposed methods of collection, treatment, storage, reuse, and final disposal and demonstrate compliance with all applicable federal, State of Utah, and County requirements.~~addressing all wastewater generated by the Data Center, other than domestic wastewater. The plan shall demonstrate that the wastewater will be legally treated and safely disposed of in a manner that will not contaminate or adversely affect groundwater, surface water, existing wells, or existing water rights.~~

(4) No data center shall be approved unless the applicant demonstrates that all wastewater generated by the proposed use can be legally and adequately treated and disposed of without adversely affecting groundwater, existing wells, surface waters, or surrounding properties

d. **Groundwater and Wastewater Monitoring Plan**

(1) Monitoring Plan Required: All Data Centers using a nonpublic water system or onsite wastewater disposal system shall submit a Groundwater and Wastewater Monitoring Plan, prepared, stamped, signed and dated by a Utah-licensed professional hydrogeologist or professional engineer, identifying at minimum:

(A) Baseline groundwater elevations, water quality, withdrawals, and other conditions needed to evaluate future changes;

(B) Monitoring and testing locations and parameters; and

(C) Methods for measuring and evaluating groundwater levels, water quality, withdrawals, and wastewater discharge.

(2) ~~Semi-Annual~~ Reporting Requirements: ~~The operator shall submit a semi-annual Groundwater and Wastewater Monitoring Report prepared, signed, and stamped by a Utah-licensed professional hydrogeologist or professional engineer. The Report shall include, at a minimum~~ The operator shall submit a semi-annual Groundwater and Wastewater Monitoring Report for the first two (2) years of Data Center operation and a annual report thereafter. Each Report shall be prepared, signed, and stamped by a Utah-licensed professional hydrogeologist or professional engineer and shall include, at a minimum:

(A) Groundwater elevations and changes from baseline;

(B) Groundwater and wastewater testing results;

(C) Withdrawal and discharge volumes;

(D) Comparison to baseline conditions and prior reports; and

(E) Identify any significant groundwater decline, water-quality exceedance, material change in water quality, or other unusual trend indicating a potential adverse impact.

(3) Contamination Reporting: Upon receiving laboratory confirmation of groundwater or soil contamination, the owner or operator shall immediately notify the County and all applicable regulatory agencies. The owner or operator shall immediately take appropriate action to stop the release, contain the contamination, and prepare a mitigation plan to prevent further migration of contaminants.

~~(3)~~(4) Mitigation Plan: If monitoring identifies an adverse impact, or a condition likely to cause one, the operator shall submit a Mitigation Plan within ~~ninety~~ thirty (~~90~~30) days, prepared, stamped, signed and dated by a Utah-licensed professional hydrogeologist or professional engineer, that:

(A) Identifies the cause and extent of the impact;

(B) Specifies measures to eliminate, minimize, or prevent further impacts. Mitigation measures may include reduced pumping, increased recycling or reuse, operational modifications, infrastructure improvements, or additional monitoring, all at the operator's expense; ~~and~~

~~(B)~~(C) Establishes remediation and corrective-action procedures for any contamination, water-quality issues, or other problems identified through monitoring or facility operations, including measures to address the cause, contain and remediate the issue, restore affected water resources, and prevent recurrence, as applicable. All remediation and corrective actions shall be completed at the expense of the Data Center owner or operator; and

~~(C)~~(D) Establishes an implementation schedule.

The County may require additional monitoring, reporting, testing, or corrective measures as needed to protect groundwater resources, existing

water users, water rights, or surface waters. All investigations, remediation, monitoring, and reporting costs shall be the responsibility of the data center owner or operator.

10. Power Requirements

a. **Infrastructure Plan**. The application shall include:
   (1) projected peak and average electrical demand stated in megawatts by phase and at full build-out;
   (2) whether the electrical grid, co-located generation, energy storage, or a combination will supply power;
   (3) a written statement from the serving electrical utility identifying, to the extent available, the maximum power to be delivered, planned method of delivery, transmission-line routing, voltage, substations, switchyards, capacity constraints, and anticipated service schedule;
   (4) the location and design of substations, switchyards, transmission infrastructure, energy storage systems, and utility corridors on or serving the site;
   (5) a description of how the cost of new generation, transmission, distribution, substations, switchyards, and road-crossing infrastructure will be allocated, stated in dollar terms to the extent reasonably calculable, including whether any cost is proposed to be borne by existing utility customers or a public entity and the estimated magnitude of that exposure;
   (6) for an energy storage system, the technology type, chemistry or working medium, rated power and energy capacity, discharge duration, design service life, fire and thermal-runaway risk profile, applicable listing and testing certifications, manufacturer-recommended separation distances, and proposed fire-suppression, monitoring, and emergency-response measures; and

b. **Electrical Capacity Requirements**:
   (1) **Co-located Power Generation**. Co-located power generation shall:
      (A) meet the requirements for an electrical power generation plant as specified in this ordinance; including all applicable setback, noise, air-quality, environmental, and emergency-response requirements;
      (B) Include all associated energy infrastructure, including substations, battery energy storage systems, transmission and distribution facilities, pipelines, fuel storage, generators, and similar supporting facilities, in applicable impact analyses and mitigation plans; and
      (C) Be evaluated together with the Data Center and other Data Center Energy Systems to identify and mitigate cumulative impacts associated with the full buildout and operation of the facility.
   (2) Off-site Power

(A) **Electric Service Letter:** Prior to approval of a Data Center, the applicant shall submit a letter from the applicable electric service provider certifying that:

(a) **Adequate Capacity**. Sufficient generation, transmission, distribution, line, and substation capacity exists, or will be available prior to energization, to safely and reliably serve the Data Center without reducing capacity needed for existing customers or normal projected growth within the service area;

(b) **Rate Protection.** Interconnection and service to the Data Center will not result in an increase in electric rates, surcharges, or other costs to existing customers as a direct result of the Data Center; and

(c) **Grid Improvements:** The letter shall identify all upgrades, extensions, or other electrical infrastructure improvements required to serve the Data Center.

(B) **Applicant Responsibility.** All costs associated with the improvements required to serve the Data Center shall be the sole responsibility of the applicant. Such costs shall not be borne by or passed on to existing electric customers.

(C) **Ongoing Obligation.** The applicant shall obtain and submit updated certification from the electric service provider if the Data Center's power demand increases beyond the levels disclosed in the original application, prior to approval of any expansion.

c. **Energy Storage System**. Energy storage systems shall be approved as follows:

(1) Energy storage systems associated with a co-located power generation shall be approved as part of an electrical power generation plant.

(2) An energy storage system which is a data center accessory use shall be approved as part of the Data Center Energy Systems.

11. Traffic and Parking

a. **Parking**. Parking shall be subject to the requirements of Section 4.60 of the UCLUO.

b. **Traffic and Road Impact**. As determined by the Utah County Engineer

(1) A Traffic and Road Impact Study prepared, signed, dated, and stamped by a qualified traffic engineer ~~may~~shall be required to evaluate the anticipated impacts of construction and operational ~~-related~~ traffic associated with all phases and full buildout ~~the development and construction~~ of the Data Center Facility~~, including impacts to public roads, intersections, bridges, drainage facilities, and other transportation infrastructure~~. The Traffic and Road Impact Study shall:

(A) Evaluate the entire anticipated access route between the Data Center and the proposed connection to a state highway or regional transportation facility, including affected roads, intersections, bridges, shoulders, drainage facilities, and other transportation infrastructure;

(B) Evaluate anticipated traffic associated with construction equipment and haul trucks; employees and contractors; fuel, material, and equipment deliveries; maintenance and equipment-replacement vehicles; emergency-response vehicles; and other reasonably anticipated project-generated traffic;

(C) Evaluate impacts for the proposed route to affected transportation County infrastructure; and

(D) Identify improvements or other mitigation measures necessary to accommodate project-generated traffic and mitigate identified impacts.

(2) Prior to issuance of a building permit, the Utah County Engineer may require the Applicant to enter into a Road Maintenance Agreement addressing the use, maintenance, repair, and restoration of County roads and other County ~~public~~ transportation infrastructure affected by construction activities.

(3) The Applicant shall be responsible for repairing damage to County~~public~~ transportation infrastructure resulting from construction traffic attributable to the Data Center, as determined by the Utah County Engineer, in accordance with the Road Maintenance Agreement.

12. Road Improvement Requirements

a. **Construction Standards**: All County roads serving a Data Center shall connect to and be part of the paved official county, state, or municipal road system, contain no unpaved County sections, and be constructed and paved in accordance with applicable Utah County Road Standards for the road's designated classification. The road shall extend along the entire frontage of the Data Center lot/parcel. If a road terminates at the Data Center lot/parcel boundary, an approved turnaround shall be provided as determined by the County Engineer.

b. **New and Undeveloped Roads**. Proposed County roads that have not been constructed, do not meet the requirements of UCLUO 4.44, or are not identified in the Utah County General Plan or Transportation Master Plan shall meet the following requirements:

(1) **General Plan or Transportation Master Plan Amendment:** If a proposed collector or arterial road is not shown on the most recently adopted General Plan or Transportation Master Plan, the -applicable plans shall be amended to show the proposed road and approved by the County Commission before the Data Center is approved.

(2) **Road Map Amendment:** A new County road~~way~~ proposed to serve a Data Center that is not shown on the Official Utah County Road Map shall require the map to be amended to show the proposed road and approved by the County Commission prior to development approval.

(3) **Road Dedication:** All County road dedications require a written recommendation from the County Engineer and approval and acceptance by the County Commission before development approval.

(4) **Road Requirements:** All new County roads and rights-of-way shall conform to the most recently adopted Utah County General Plan and

Transportation Master Plan, including the planned road grid pattern, road classifications, and required right-of-way widths, and shall comply with applicable Utah County Road Standards, Land Use Ordinances, and County Code.

13. **Fire Protection, Hazardous Materials, and Emergency Response Plan.** As part of any application for a facility subject to this chapter, the applicant shall submit a Fire Protection, Hazardous Materials, and Emergency Response Plan that, at a minimum, includes the following:
    a. **Fire Protection Systems**. A description of required fire-flow, fire-detection, fire-alarm, and fire-suppression systems for buildings, electrical rooms, battery energy storage systems, long-duration energy storage systems, fuel storage, and generation facilities;
    b. **Hazardous Materials Inventory**. A hazardous materials inventory, including, but not limited to, fuel, coolant, battery materials, fire-suppression agents, cleaning agents, and other regulated materials, including the type, quantity, and location of such materials;
    c. **Agency Review**. Written evidence that the emergency response plan has been reviewed by the Utah County Fire Marshal~~, the fire agency with jurisdiction, and Tooele County Emergency Services~~;
    d. **Fire-Service and Emergency Response Needs**. Identification of additional fire-service or emergency-response capacity, apparatus, equipment, training, inspection, communications, water supply, access, or mutual-aid needs attributable to the facility, including how such needs will be provided and funded; and
    e. **Emergency Exercises**. A process for periodic emergency drills or tabletop exercises, if required by the Land Use Authority or the fire agency with jurisdiction, including coordination with applicable emergency response agencies.

14. **Environmental, Natural Resources, and Sensitive Lands Assessment.** The application for a Data Center Facility shall include an assessment prepared, signed, dated, and stamped qualified engineer licensed in the State of Utah of existing environmental conditions, natural resources, sensitive lands, and potential impacts of the proposed facility. The assessment shall:
    a. Existing Site Conditions. Identify existing site conditions, including topography, drainage, floodplain, wetlands, wildfire interface, geologic hazards, seismic constraints, soils, vegetation, and sensitive lands.
    b. Natural Resources and Wildlife. Provide surveys or desktop analysis, as appropriate, addressing threatened, endangered, and sensitive species, wildlife habitat, wildlife corridors and migration routes, raptors, migratory birds, and other applicable natural resources.
    c. Impacts and Mitigation. Identify potential environmental and natural resource impacts and proposed measures to avoid, minimize, or mitigate those impacts, including impacts to wildlife corridors and migration routes identified by federal or Utah state agencies.

d. Regulatory Compliance. Identify and comply with applicable federal and Utah state environmental and natural resource requirements, including required permits, approvals, consultations, and agency determinations.
e. Supporting Documentation. Provide applicable environmental studies, surveys, agency correspondence, permits, approvals, consultation documents, mitigation plans, and other documentation necessary to demonstrate compliance.

15. Thermal Impact and Waste Heat Standards

a. **Prohibited Impacts**: No Data Center shall discharge heat, radiant energy, or thermal exhaust beyond the site boundary that causes hazards or damage to persons, livestock, crops, vegetation, or property.
b. **Property Boundary Temperature Limit**: Thermal exhaust shall not increase sustained ambient air temperatures by more than three degrees Fahrenheit (3°F) above natural conditions at any point along the property line, measured four (4) feet above ground level.
c. **Heat Mitigation and Dispersion**:
   (1) Outdoor equipment and energy systems that generate or discharge heat shall use shielding, insulation, screening, or heat-dispersion devices to minimize heat impacts beyond the property boundary.
   (2) Exhaust from HVAC systems, cooling towers, dry coolers, heat exchangers, and other equipment shall be directed and dispersed to prevent concentrated thermal plumes from impacting adjacent properties, buildings, vegetation, agricultural operations, or public rights-of-way.
   (3) Rooftop, wall-mounted, and exterior exhausts shall incorporate baffles, louvers, or diffusers to direct and disperse thermal plumes away from adjacent properties, crops, and public rights-of-way.
d. **Thermal Impact Analysis and Mitigation Plan**: The applicant shall submit a Thermal Impact Analysis and Mitigation Plan prepared, signed, dated, and stamped by a Utah-licensed professional engineer or qualified climatologist. The Plan shall include, at a minimum:
   (1) Heat Source Identification: Technical specifications for all primary waste-heat sources, including air-based exhaust systems, liquid cooling systems, cooling towers, dry coolers, heat exchangers, and auxiliary power generation;
   (2) Off-Site Impact Modeling**:** Evaluation of potential off-site thermal impacts under seasonal and peak operating conditions, including extreme summer conditions, thermal plumes, convective currents, and heat-island effects, demonstrating compliance with Subsection (b);
   (3) Impact Assessment: Demonstration that thermal discharges will not adversely affect surrounding agricultural operations, livestock, vegetation, neighboring HVAC or refrigeration systems, or the health, safety, or comfort of persons in adjacent residential, commercial, or agricultural zones;
   (4) Design and Site-Planning Measures: Measures to minimize off-site thermal impacts, including equipment siting, screening, shielding, landscaping, vegetative buffers, cool roofs, reflective paving, and facility orientation;

(5) Waste Heat Reuse Evaluation: Evaluation of feasible opportunities to capture and beneficially reuse waste heat. If reuse is infeasible, the Plan shall document the technical or economic reasons and identify alternative on-site mitigation measures; and

(6) Monitoring Program: When required by the County based on proximity to sensitive receptors, anticipated thermal impacts, or site conditions, a thermal monitoring program identifying property-boundary testing locations, sampling frequency, and temperature-logging protocols to verify compliance with Subsection (b).

e. **Enforcement**: If monitoring or County review identifies a violation of Subsection (a) or (b), the operator shall implement corrective action, including equipment modification, operational changes, or enhanced screening, at its sole expense, within thirty (30) days of notification.

16. Air Quality and Emissions. The application shall include:

a. All sources of air emissions associated with the facility, including backup generators, routine generator testing, emergency operations, baseload generation sources, and co-located power generation;

b. The type, number, capacity, fuel source, emissions rating, and control technology for all backup generators and generation units;

c. Modeled emissions of nitrogen oxides (NOX), carbon monoxide (CO), particulate matter 2.5 microns and smaller (PM2.5), unburned hydrocarbons (HC), carbon dioxide (CO2), and other regulated air pollutants, stated separately for each pollutant and for each generation source, and modeled ambient concentrations at property lines and nearest sensitive receptors where required by applicable permitting or professional practice;

d. Copies of applications for, and approvals of, permits from the Utah Division of Air Quality and any other agency with jurisdiction, as available;

e. The anticipated frequency, duration, hours, and coordination procedures for routine generator testing , including procedures to coordinate testing activities with the Utah Division of Air Quality and comply with applicable restricted-day requirements; and for any baseload generation source, the anticipated operating profile, including continuous (24 hours per day, every day of the year) operating assumptions where applicable;

f. For any proposed natural gas turbine, reciprocating engine, or other combustion source proposed to operate as a baseload generation source, identification of the emissions control technology proposed, including selective catalytic reduction or equivalent controls; the expected percentage reduction in NOX and CO; the effect of the proposed controls on PM2.5 emissions, including any potential increase in PM2.5 from the use of ammonia-based selective catalytic reduction at varying engine loads; and the expected CO2 emissions, which are not reduced by selective catalytic reduction and which may only be reduced through carbon capture and storage or fuel substitution; and

g. A description of any proposed carbon capture and storage technology, including the maturity of the technology at commercial scale, the percentage of CO2 expected to be captured, and the location and method of carbon storage.

17. **State and Federal Compliance:** All Data Centers shall comply with all applicable federal and State of Utah laws, regulations, permits, approvals, and standards governing their construction, development, operation, expansion, and decommissioning. This includes the State of Utah Data Center Water Transparency Amendment (2026), the Electric Utility Amendment (2025), and any other state legislation regulating data centers. The applicant shall obtain all required permits and approvals and provide documentation of compliance upon request. Compliance with this Ordinance does not relieve the applicant or operator of any requirements imposed by another governmental entity.

18. **Phased Development Plan**

    a. **Phasing Plan**. A Phasing Plan shall be submitted with the development application and shall include, at a minimum, the following:
        (1) The boundaries of each proposed phase;
        (2) A site plan identifying all site plan elements required for each phase;
        (3) A description of the buildings, structures, equipment, and other improvements, including water and power requirements, proposed for each phase;
        (4) The total proposed Data Center Facility size for all phases at final build-out.
        (5) Identification of the infrastructure and other improvements required to serve each phase; and
        (6) A site plan depicting the anticipated final build-out of the entire development.

    b. **Timing and Expiration**. Approval of a phasing plan shall be valid for a period of three (3) years from the date of approval. The phasing plan may be extended for one (1) additional year upon approval by the County, provided that at least one phase has been completed in accordance with the approved phasing plan during the initial approval period. No phasing plan, including any extensions, shall remain valid for more than six (6) years from the date of original approval. Upon expiration, any remaining phases not completed or actively entitled shall require a new phasing plan and shall be subject to the regulations and requirements in effect at the time of the new application.

    c. **Applicable Regulations**. Each phase shall comply with all applicable County, State, and Federal laws, regulations, standards, and requirements in effect at the time an application for a permit is submitted. Approval of a Phasing Plan shall not vest the developer or any subsequent phase in the laws, regulations, standards, or requirements in effect on the date the Phasing Plan was approved, unless otherwise provided by applicable law.

19. **Decommissioning Plan**

    Each application shall include a decommissioning and site-restoration plan addressing cessation of operations; removal of equipment and structures; removal of foundations to a depth of at least 36 inches below grade unless the County approves retention for a documented reuse; removal of generation equipment, energy storage systems, and fuel-storage and delivery facilities; proper disposal or recycling; grading, drainage

stabilization, erosion control, revegetation where appropriate, utility disconnection, hazardous-materials removal, and restoration to a safe and stable condition.

a. **Cost estimate**. The decommissioning cost estimate shall be prepared by a qualified professional acceptable to the County and shall include removal, hauling, disposal, recycling, grading, stabilization, revegetation, professional fees, administrative costs, and a contingency of not less than 15 percent. The County may disallow or limit salvage value in calculating the required financial assurance.
b. **Financial assurance**. Before a certificate of occupancy is issued, the applicant shall provide financial assurance in the form of a bond, irrevocable letter of credit, escrow, or other instrument acceptable to the County in an amount equal to the approved decommissioning cost estimate. The financial assurance shall name the County as beneficiary or obligee and shall be in a form approved by the County Attorney.
c. **Updates**. The decommissioning cost estimate and financial assurance shall be reviewed and updated at least every three years, upon substantial modification, upon transfer of ownership or operation, or upon request by the County if costs materially change.
d. **Abandonment**. Cessation of facility operations for 12 consecutive months constitutes abandonment and triggers the obligation to decommission, unless the County grants an extension for good cause, based on a written plan to resume operations, maintain the site, and protect public health and safety.
e. **Continuing obligations**. The obligation to decommission and restore the site is binding on the owner, operator, successors, and assigns. Before a certificate of occupancy is issued, the owner shall execute and record a notice or covenant, in a form approved by the County Attorney, identifying the decommissioning obligation and the financial assurance. The financial assurance shall remain in effect until the County confirms in writing that decommissioning and restoration are complete.
f. **County remedies**. If the owner or operator fails to decommission the facility as required, the County may use the financial assurance to complete decommissioning and may pursue any other remedy available at law or equity. Use of financial assurance does not limit the County's ability to recover additional costs if the assurance is insufficient.
g. **Partial decommissioning**. The Land Use Authority may require partial decommissioning of a phase, building, generation facility, energy storage system, or support facility that has been abandoned or permanently removed from service, even if other portions of the data center facility remain in operation.

20. Development Agreement

The County may require an applicant for a Data Center Facility to enter into a development agreement as a condition of approval. The development agreement may establish conditions, phasing, infrastructure and utility obligations, mitigation measures, water requirements, environmental mitigation, monitor and reporting requirements, financial guarantees, decommissioning requirements, and other requirements reasonably necessary

to address the impacts of the proposed development or to ensure compliance with the requirements of the Ordinance. When required, the development agreement shall be executed prior to issuance of a building permit or other development authorization, unless otherwise approved by the County.

21. **Third-Party Review**
    a. **Authority to Require Review**. The County may require independent third-party review of any application, plan, study, report, technical analysis, or other document submitted in connection with a Data Center Facility when the County determines that specialized expertise is necessary to adequately evaluate the proposed development or that the review exceeds the technical expertise or available resources of County staff.
    b. **Scope of Review**. Third-party review may include, but is not limited to, requirements related to engineering, electrical infrastructure, water resources, environmental impacts, wildlife and habitat, noise, air quality, traffic, emergency services, utility infrastructure, site design, geotechnical conditions, and other technical matters associated with the proposed Data Center Facility.
    c. **Applicant Responsibility and Costs**. The applicant shall be responsible for the reasonable costs of third-party review required pursuant to this Section. The County may require the applicant to deposit funds with the County, or otherwise establish a method acceptable to the County, to cover anticipated third-party review costs prior to commencing such review.
    d. **Independence of Review**. Any third-party reviewer shall be selected and retained by the County. The applicant shall not direct, control, or otherwise influence the scope or outcome of the third-party review.
    e. **Additional Information or Revisions**. Based on the results of a third-party review, the County may require the applicant to provide additional information, revise submitted documents, address identified deficiencies, or demonstrate compliance with applicable requirements before the application may be approved.

A. **Zoning Compliance Permit:** Prior to the construction of any Building or facilities, the owner shall qualify for and obtain any applicable zoning compliance permit from the Zoning Administrator.

10.04 Zones Established

In order to carry out the purposes of this ordinance, the unincorporated territory of Utah County, Utah, is hereby divided into zones as follows:

RA-5	Residential Agricultural Zone
RR-5	Rural Residential Zone
TR-5	Transitional Residential Zone
CE-1	Critical Environmental Zone

CE-2	Critical Environmental Zone
M&G-1	Mining and Grazing Zone
NC-1	Neighborhood Commercial Zone
HS-1	Highway Service Zone
I-1	Industrial Zone
NHO	Natural Hazards Overlay Zone
A-40	Agricultural Zone
APO	Airport Overlay Zone
PF	Public Facilities Zone
PC	Goshen Valley Planned Community Zone
G-1	Grazing Zone
TDR-R	Transfer of Development Rights Receiving Overlay Zone
TDR-S	Transfer of Development Rights Sending Overlay Zone
DCO	Data Center Overlay Zone

12.28 M&G-1 Mining and Grazing Zone:

A. Declaration of Legislative Intent: The M&G-1 Mining and Grazing Zone covers the dry mountain and desert areas of the county. Limitations imposed by climate, topography, soil capability, inadequate water supply, and the presence of economically significant mineral deposits has identified this zone as a place for the grazing of Livestock on the open range, the mining of earth products, and the location of activities and industrial operations which are not appropriate near urban centers.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the M&G-1 Mining and Grazing Zone are:

1. To take advantage of and more fully implement the basic purposes for planning and zoning as set forth in Utah Code, as amended.
2. To promote the conservation of water, land, mineral, and other resources.
3. To foster Livestock grazing and mining industries within the county.
4. To provide a location for certain types of uses which, due to odor, noise, danger, etc., are not compatible with urban Development.
5. To ensure the Development of adequate public facilities to match private Development. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. Permitted Uses: The following shall be permitted in the M&G-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

41. Data Centers. Class I, Class II, Class III, and Class IV Data Centers, excluding Class V (Giga-scale) Data Centers, subject to the provisions of UCLUO 8.132.

12.40 I-1 Industrial Zone:

A. Declaration of Legislative Intent: The I-1 Industrial Zone has been established for the purpose of providing places where manufacturing, processing, warehousing, fabricating, sexually oriented businesses, and wholesaling of goods and materials can be carried on with minimum conflict or deleterious effects upon surrounding properties. Goods, materials and other products that are manufactured, fabricated or produced on the site in the I-1 Zone may be sold at that site, except that an approved sexually oriented business may retail items identified within UCC 8.12, when in compliance with currently adopted Building and safety codes.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the I-1 Industrial Zone are.

1. To take advantage of and more fully implement the basic purposes for planning and zoning as set forth in Utah Code, as amended.
2. To promote industry by providing locations where conflicts between neighboring business establishments and nonindustrial land uses are reduced.
3. To promote the economy of Utah County.
4. To ensure the Development of adequate public facilities to match the needs of industrial Development.
5. To implement the county's General Plan. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. Permitted Uses: The following shall be permitted in the I-I Zone in compliance with the standards and requirements set forth in this ordinance:

27. Data Centers. Class I, Class II, Class III, and Class IV Data Centers, excluding Class V (Giga-scale) Data Centers, subject to the provisions of UCLUO 8.132.

12.72 DCO Data Center Overlay Zone:

C. **Declaration of Legislative Intent:** The DCO Data Center Overlay Zone is created to provide locations for the siting of Data Center facilities in areas of unincorporated Utah County that do not meet the location requirements of UCLUO 8,132 but are found to be feasible for such facilities.

D. **Scope:** The buildings and structures in the DCO Zone shall be subject to the standards and regulations contained in UCLUO 4, UCLUO, 6, and UCLUO 8, including UCLUO 8.132

E. **Permitted Uses:** All structures and uses of land which are listed as permitted used and permitted Conditional Uses in the underlying zoning districts shall also be permitted uses or permitted Conditional Uses in the area covered by DCO Zone if they meet the standards of the both the DCO Zone and the requirements of the underlying zone.

F. **Extent:** The DCO Zone shall only be applied to areas located in the Mining and Grazing (M&G-1) and Industrial (I-1) Zones in which mitigating circumstances or conditions exist and are identified that mitigate the deficiencies in meeting the location requirements of UCLUO 8.132.C.4 only. The determination that such conditions or circumstances adequately mitigate the deficiencies shall be made by the applicable approving authority based on substantial evidence in the record. Application of the DCO Zone pursuant to this subsection shall not exempt the property from compliance with any other applicable requirement of UCLUO 8.132 or other applicable requirements.