

Provo City Planning Commission
Report of Action

September 10, 2025

*ITEM 4 Development Services proposes adoption of city policy and amendments to Provo City Code Title 14 to address Data Processing Services, Electricity Regulating Substations and Electric Small Generation as Permitted Principal or Conditional Uses. Citywide Application. Hannah Salzl (801) 852-6423
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The following action was taken by the Planning Commission on the above described item at its regular meeting of September 10, 2025:

RECOMMENDED APPROVAL WITH CONDITIONS

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Conditions of Approval:

- Add that the environmental analysis must include a requirement that the analysis include a comparison of water and power usage for data centers of similar size and for other industries of similar scales and lot size.
- Add a definition of data centers that establishes a minimum level for data centers to distinguish them from general server racks and also clarifies that they do not work with cryptocurrency.
- Add a requirement that data center applicants over a certain threshold must pay a fee to cover an independent environmental review by a third party of the City's choosing.

Motion By: Daniel Gonzales

Second By: Matt Wheelwright

Votes in Favor of Motion: Joel Temple, Barbara DeSoto, Melissa Kendall, Jonathon Hill, Lisa Jensen, Daniel Gonzales, Matt Wheelwright

Jonathon Hill was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- Citywide Application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- One resident expressed a desire to do whatever the City could do limit data centers, citing concerns about water and energy use.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioners Jensen and Gonzales expressed a desire for more information against which to compare applications. Staff lacks the expertise, and the City lacks the resources to hire a specialist. After discussing options, staff and the Commissioners agreed that the City could require developers of larger data centers to cover the cost of a third-party analysis by an independent expert. Commissioners also suggested adding a requirement that the analysis include a comparison of water and power usage for data centers of similar size and for other industries of similar scales and lot size.
- Commissioner Jensen asked for clarification about who would review the required power load and generation plan. That requirement came from UMPA, and UMPA and Provo Power would review them. She had similar questions about the performance bond requirement, which is also required by UMPA and would be negotiated with them. Commissioner Jensen appreciated how UMPA's policies allowed data centers but set a high bar to protect the community.
- Commissioner Hill asked that a definition of what qualifies as a data center, especially clarification about at what point is a data center and not just a server rack in an office.
- Commissioner Wheelwright expressed concerns about reported weights of data centers. A basic geotechnical analysis is already required and would find any site issues.
- Commissioner Temple expressed concerns about intensive water use while Utah is in the middle of a drought.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

EXHIBIT A

ORDINANCE 2025-____.

AN ORDINANCE AMENDING PROVO CITY CODE TITLE 14 TO CREATE A DATA CENTER OVERLAY ZONE. (25-____)

RECITALS:

It is proposed that Provo City Code Title 14 be amended to add chapter 14.34A Data Center Overlay Zone; and

On September 10, 2025 the Planning Commission held a public hearing to consider the proposed amendment, and after the hearing, the Planning Commission recommended approval to the Municipal Council by a vote of 7:0; and

On September 23, 2025 the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

Provo City Code Title 14 is hereby amended as set forth in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
- D. The Municipal Council directs that the official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

Exhibit A

Chapter 14.34A DC – DATA CENTER OVERLAY ZONE

Sections:

- 14.34A.010 Purpose and Objectives.**
- 14.34A.020 Permitted Uses.**
- 14.34A.030 Lot Standards.**
- 14.34A.040 Project Plan Approval.**
- 14.34A.050 Development Standards for Data Centers of All Sizes.**
- 14.34A.060 Development Standards for Large Data Centers.**
- 14.34A.070 Other Requirements.**

14.34A.010 Purpose and Objectives

The Data Center Overlay Zone (DC Overlay) is established to provide prudent development standards for data centers and similar digital infrastructure facilities as well as any associated power generation facilities. The provisions of this zone are intended to minimize the negative environmental effects of data centers and power generation, especially to air quality, water use, and energy demands.

14.34A.020 Permitted Uses

The following principal uses and no others are permitted in the DC Overlay:

- (1) Data centers;
- (2) Energy generation facilities and transmission infrastructure, subject to Utah Municipal Power Authority (UMPA) policies.

14.34A.030 Lot Standards

Each lot or parcel in the DC Overlay must comply with PCC Section 15.03.100 (Adequate Public Facilities).

14.34A.040 Project Plan Approval

See PCC Sections 15.03.300 and 15.03.310.

14.34A.050 Development Standards for Data Centers of All Sizes.

- (1) The DC Overlay may only be combined with Light Manufacturing (M1) and Planned Industrial Commercial (PIC) Zones. Development within the DC Overlay must comply with the development standards of the underlying zone unless otherwise specified in this Chapter.
- (2) Data centers must also comply with all requirements listed in Provo City's Data Center Policy and Application Procedures as well as UMPA Data Center Policies.
- (3) No data center or energy generation may be located closer than two hundred (200) feet to any school,

park, or residential property, measured in a straight line between the closest property lines of lots on which the respective uses are located.

- (a) Equipment that produces emissions in excess of state and federal base limits (or that requires emissions reduction credits to operate) may not be located closer than five hundred (500) feet to any school, park, or residential property, measured in a straight line between the closest wall enclosing the equipment and the closest property lines of lots on which the respective uses are located.
- (4) Data centers must establish a mechanism (e.g., performance bond, etc.) to cover any financial obligations in the event of a default as an irrevocable guarantee to offset risks to taxpayers.
- (5) The following additional information must be provided as part of the Zone Map Amendment application:
 - (a) A project narrative and development timeline, including construction milestones and phasing;
 - (b) Legal entity disclosures;
 - (c) A Community Benefit Plan including workforce training, infrastructure investments, renewable energy projects, and tax revenue projections;
 - (d) A statement of how the data center furthers the environmental goals in the Provo City General Plan and the Conservation and Resiliency Plan.
 - (e) An agreement with UMPA to ensure adequate compensation for the use of UMPA and Provo Power's transmission and distribution infrastructure;
 - (f) A detailed power load and generation plan;
 - (g) A site plan including all utility infrastructure (electric, water, wastewater);
 - (h) Noise studies to ensure compliance with PCC Section 9.06.040 and any requirements of the zone;
 - (i) An estimation of vibrations produced from operations and an explanation of strategies used to reduce vibrations (e.g., vibration isolation systems, floating floors, structural dampening);
 - (j) An environmental review that includes the identification and explanation of conservation strategies for the following resources, noting unused practical industry strategies and justification for not pursuing them on this project:
 - i. Energy efficiency (e.g., server clustering, high-efficiency cooling systems),
 - ii. Renewable energy,
 - iii. Water and wastewater (e.g., purple pipe irrigation, water alternatives);
 - (k) An air quality analysis and mitigation plan that includes CO₂, NO_x, VOCs, ozone, PM_{2.5}, PM₁₀, methane, and any other pollutants produced at the site;
 - (l) Confirmation of emissions credits, if required, which must be acquired within three months of approval of the Zone Map Amendment, or the Zone Map Amendment will be revoked;
 - (m) An end-of-life plan for all technological and other hazardous waste, which must be disposed of at an e-waste recycling facility licensed by the Department of Environmental Quality.

(6) The following additional standards apply to all energy generation facilities in the DC Overlay.

- (a) Independent “islanded” power plants are prohibited. Any new power generation, whether renewable or non-renewable, produced by the data center to serve its own power demand must be interconnected with Provo City and follow UMPA policies.
- (b) Data centers may also provide on-site energy through renewable sources (e.g., geothermal, solar, etc.) and are encouraged to draw from energy produced on-site to meet demand during times of heightened grid demand. On-site battery energy storage systems (BESS) must be appropriately encased to prevent leaking. On-site BESS must comply with the latest safety standards and certifications.

14.34A.060 Development Standards for Large Data Centers.

- (1) This section applies to all data centers with aggregate power loads exceeding fifty megawatts (50 MW), per UMPA Data Center Policies.
- (2) A new power generation facility (plant) must be constructed and must be sufficient to cover the projected load.
- (3) As part of the Zone Map Amendment application, the developers must submit a site plan that includes the details of the new power generation facility. The site plan must be reviewed and approved by UMPA.
- (4) The construction of the plant may be scaled but must be completed and operational before the data center’s load requirement exceeds fifty megawatts (50 MW).
- (5) The developer is responsible for all costs associated with the development, design, construction, and operation of the new plant. The developer is also responsible for any costs to update the local power grid infrastructure to accommodate the increased load and for any associated system load studies. Once the construction and commissioning of the power plant are complete, the plant will be transferred to UMPA, with ownership of the plant to be negotiated.

14.34A.070 Other Requirements

- (1) *International Building Code.* The requirements of the International Building Code, as adopted by the Provo Municipal Council (the IBC), apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council’s adoption of the IBC.
- (2) The operator of a use permitted in this Chapter must comply with all other license requirements of the City or any public agency related to the use.