



PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, April 28, 2026
Council Chambers (Room 100)
445 W. Center Street, Provo, UT 84601 or
<https://www.youtube.com/provocitycouncil>

The in-person meeting will be held in the **Council Chambers**. The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) and [facebook.com/provocouncil](https://www.facebook.com/provocouncil). If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

TO MAKE A VIRTUAL PUBLIC COMMENT:

To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

April 28 Council Meeting: Dial **346 248 7799**. Enter Meeting ID **862 8479 1822** and press **#**. When asked for a participant ID, press **#**. To join via computer, visit zoom.us and enter the meeting ID and passcode: **185104**.

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Presentations, Proclamations, and Awards

- 1 A ceremony recognizing Chief Troy Beebe as Utah Chiefs of Police Association's Chief of the year (26-007)
- 2 A ceremony recognizing Provo City students' accomplishments within the Sterling Scholar Scholarship Program (26-007)

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

- 3 A resolution consenting to the mayor's appointment of the energy services director for Provo City. (26-028)
- 4 A resolution consenting to the mayor's appointment of the parks and recreation director for Provo City. (26-029)
- 5 A resolution appropriating \$75,000 in the General Fund for an economic development study for the fiscal year ending June 30, 2026. (26-016)
- 6 An ordinance amending power generation, evaporative cooling, and environmental reporting requirements for data centers. (PLOTA20250458)

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.gov or using their contact information listed at: provo.gov/434/City-Council.

Materials and Agenda: agendas.provo.org

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The next Council Meeting - Tentative Budget will be held on Tuesday, May 5, 2026. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email kmartins@provo.gov at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: KMARTINS
Presenter: Mayor Marsha Judkins
Department: Recorder
Meeting Date: 4/28/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-007

SUBJECT: 1 A ceremony recognizing Chief Troy Beebe as Utah Chiefs of Police Association's Chief of the year (26-007)

ADMINISTRATIVE RECOMMENDATION: No action requested

ADMINISTRATIVE MEMO: On March 24, 2026 in St. George, Chief Beebe was honored by the Utah Chiefs of Police Association as Utah's Large Department Chief of the Year for 2026. This is a tremendous accomplishment, and the Mayor would love to honor him and spotlight this recognition with the Council in April.

FISCAL IMPACT: NA

COUNCIL STAFF MEMO:

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: LRICHARDS
Presenter: Mayor Marsha Judkins
Department: Mayor Office
Meeting Date: 4/28/2026
Requested Duration (Minutes): 5 minutes minutes
CityView or Issue File Number: 26-007

SUBJECT: 2 A ceremony recognizing Provo City students' accomplishments within the Sterling Scholar Scholarship Program (26-007)

ADMINISTRATIVE RECOMMENDATION: Recognize and honor Bella Fillmore (Dance) as the Dance Sterling Scholar Award recipient and Rachel Ryu (Family & Consumer Sciences) and Adelaide Wingate (World Languages) as runners-up.

ADMINISTRATIVE MEMO: This is a short item honoring these students from Provo for their exceptional academic performances within the Sterling Scholar Award program.

FISCAL IMPACT: N/A

COUNCIL STAFF MEMO:

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: LRICHARDS
Presenter: Mayor Marsha Judkins
Department: Mayor Office
Meeting Date: 4/28/2026
Requested Duration (Minutes): 10 minutes minutes
CityView or Issue File Number: 26-028

SUBJECT: 3 A resolution consenting to the mayor's appointment of the energy services director for Provo City. (26-028)

ADMINISTRATIVE RECOMMENDATION: The Administration recommends and requests Council consent.

ADMINISTRATIVE MEMO: This is an item for advice and consent related to the open Energy Services Director position.

FISCAL IMPACT: N/A

TIME SENSITIVITY: This is urgent because we would like to fill the open Energy Services Director position as soon as possible.

COUNCIL STAFF MEMO:

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION CONSENTING TO THE MAYOR’S APPOINTMENT OF
4 THE ENERGY SERVICES DIRECTOR FOR PROVO CITY. (26-028)

5
6 RECITALS:

7
8 Mayor Marsha Judkins has appointed the individual named below to serve as the
9 Provo City Energy Director;

10
11 Provo City Code Section 2.10.030 provides that the appointment of department directors
12 is subject to the advice and consent of the Municipal Council;

13
14 On April 14, 2026, the Municipal Council met to consider the facts regarding this matter,
15 which facts are found in the public record of the Council’s consideration; and

16
17 After considering the facts presented, the Council finds that: (i) the proposed appointment
18 should be consented to as described herein, and (ii) such action furthers the health, safety, and
19 general welfare of the citizens of Provo City.

20
21 THEREFORE, the Provo Municipal Council resolves as follows:

22
23 PART I:

24
25 The Municipal Council consents to the appointment of _____ as the Energy
26 Services Director for Provo, Utah, conditioned on meeting all the requirements of the position.

27
28 PART II:

29
30 This resolution takes effect immediately.

31
32 END OF RESOLUTION.

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: LRICHARDS
Presenter: Mayor Marsha Judkins
Department: Mayor Office
Meeting Date: 4/28/2026
Requested Duration (Minutes): 10 minutes minutes
CityView or Issue File Number: 26-029

SUBJECT: 4 A resolution consenting to the mayor's appointment of the parks and recreation director for Provo City. (26-029)

ADMINISTRATIVE RECOMMENDATION: The Administration recommends and requests consent

ADMINISTRATIVE MEMO: This is an item for advice and consent related to the open Parks and Recreation Director position.

FISCAL IMPACT: N/A

TIME SENSITIVITY: This is urgent because we would like to fill the open Parks and Recreation Director position as soon as possible.

COUNCIL STAFF MEMO:

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION CONSENTING TO THE MAYOR’S APPOINTMENT OF
4 THE PARKS AND RECREATION DIRECTOR FOR PROVO CITY. (26-029)

5
6 RECITALS:

7
8 Mayor Marsha Judkins has appointed the individual named below to serve as the
9 Provo City Parks and Recreation Director;

10
11 Provo City Code Section 2.10.030 provides that the appointment of department directors
12 is subject to the advice and consent of the Municipal Council;

13
14 On April 14, 2026, the Municipal Council met to consider the facts regarding this matter,
15 which facts are found in the public record of the Council’s consideration; and

16
17 After considering the facts presented, the Council finds that: (i) the proposed appointment
18 should be consented to as described herein, and (ii) such action furthers the health, safety, and
19 general welfare of the citizens of Provo City.

20
21 THEREFORE, the Provo Municipal Council resolves as follows:

22
23 PART I:

24
25 The Municipal Council consents to the appointment of _____ as the
26 Parks and Recreation Director for Provo, Utah, conditioned on meeting all the requirements of the
27 position.

28
29 PART II:

30
31 This resolution takes effect immediately.

32
33 END OF RESOLUTION.



WELCOME HOME

**CITY COUNCIL APPROPRIATION
REQUEST \$75,000**

DEVELOPMENT SERVICES - ECONOMIC



Economic Development Appropriation Request \$75,000

- City Council Identified a City-wide Economic Development Strategy Study as a Priority
- Economic Development Staff Worked with Council and Administration to Craft and Release an RFP Which Closes 4/18
- The Study will Provide Insights, Guidance, and Direction for the Future of Provo's Economy

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: KZARBOCK
Presenter: Cody Hill, Division Director of Economic Development
Department: Finance
Meeting Date: 4/28/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-016

SUBJECT: 5 A resolution appropriating \$75,000 in the General Fund for an economic development study for the fiscal year ending June 30, 2026. (26-016)

ADMINISTRATIVE RECOMMENDATION: Appropriate up to \$75,000 for an economic development study

ADMINISTRATIVE MEMO: During the recent budget priorities discussions, councilors expressed interest in pursuing a citywide economic development strategic plan. The Economic Development division has an RFP out for the study, and securing this appropriation now will allow the analysis to move forward without delay.

FISCAL IMPACT: \$75,000 one-time expense

COUNCIL STAFF MEMO:

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION APPROPRIATING \$75,000 IN THE GENERAL FUND FOR
4 AN ECONOMIC DEVELOPMENT STUDY FOR THE FISCAL YEAR
5 ENDING JUNE 30, 2026. (26-016)

6
7 RECITALS:

8
9 It is proposed that up to \$75,000 be appropriated in the general fund to pay for an
10 economic development study;

11
12 The funding source for the appropriation is general fund balance;

13
14 On April 28, 2026, the Municipal Council met to consider the facts regarding this matter
15 and receive public comment, which facts and comments are found in the public record of the
16 Council's consideration; and

17
18 After considering the facts presented to the Municipal Council, the Council finds that (i)
19 the proposed action should be approved as described herein, and (ii) such action furthers the
20 health, safety, and general welfare of the citizens of Provo City.

21
22 THEREFORE, the Provo Municipal Council resolves as follows:

23
24 PART I:

25
26 An appropriation of up to \$75,000 in the general fund for an economic development
27 study is authorized.

28
29 PART II:

30
31 This resolution takes effect immediately.

*ITEM 1

Development Services requests Ordinance Text Amendments to Title 14 to remove power generation as a permitted use in the Data Center Overlay Zone and update environmental impact requirements.

Citywide Application

PLOTA20250458

SUMMARY OF PROPOSED AMENDMENTS

- Remove power generation as a permitted use
 - Caps data centers at 50 MW
 - Removes need for 500' setback from sensitive properties for data centers that require emissions credits
 - Removes requirement to report consideration of renewable energy on site
 - Replaces requirement for full air quality analysis and mitigation plan with an estimation of the amounts of listed pollutants and a comparison to a similarly sized office building
- Require non-evaporative cooling measures
 - Increases overall power load needed to cycle water
 - Prohibits discharge into municipal wastewater systems
- Remove requirement for third-party environmental analysis for data centers over 5 MW
 - Likely not necessary if the main sources of air pollutants and water use are prohibited

Note: Otherwise preserves reporting requirements and City's high level of discretion.

*ITEM 1

Development Services requests Ordinance Text Amendments to Title 14 to remove power generation as a permitted use in the Data Center Overlay Zone and update environmental impact requirements.

Citywide Application

PLOTA20250458

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: HSALZL
Presenter: Hannah Salzl, Planner and Sustainability Coordinator
Department: Development Services
Meeting Date: 4/28/2026
Requested Duration (Minutes): 25 minutes minutes
CityView or Issue File Number: PLOTA20250458

SUBJECT: 6 An ordinance amending power generation, evaporative cooling, and environmental reporting requirements for data centers. (PLOTA20250458)

ADMINISTRATIVE RECOMMENDATION: The Planning Commission recommended denial (5:0).

ADMINISTRATIVE MEMO: Provo City adopted the Data Center Overlay Zone on September 23, 2025. As staff processed the first application to apply the new zone, they noted a few amendments to streamline the code and bring it into better compliance with the City's environmental goals.

First, the proposed amendments would remove power generation as a permitted use. This would limit data centers to 50 MW since UMPA policies require data centers over 50 MW to build an on-site power generating facility. This also removes the need for data centers that require emissions credits to be located at least 500 feet from sensitive properties (homes, schools, etc.), since no data center would be able to exceed state and federal limits without energy generation.

Second, the amendments would require data centers to use non-evaporative cooling methods. This nearly eliminates water concerns around data centers, since the high water use comes from using evaporation to cool server systems. The water, which is often treated with biocides that could disrupt municipal stormwater systems, would be required to be removed by a third party. This is already an available service in the industry.

Third, the amendments propose removing the requirement that data centers over 5 MW must pay for a third-party environmental analysis. Without power generation and with non-evaporative cooling, the environmental impact of a data center would be roughly the same as a comparable office space. Local environmental analysis companies have expressed that they would have very little to analyze for a data center with those specifications.

The proposed amendments significantly reduce the air pollution and water use from data centers while preserving the City's discretion to reject proposed data centers that do not align with the City's environmental goals.

FISCAL IMPACT: Not available

TIME SENSITIVITY: This item was previously noticed for April 28 on the March 25 Planning Commission agenda.

COUNCIL STAFF MEMO:

- *ITEM 1** Development Services requests Ordinance Text Amendments to Title 14 to remove power generation as a permitted use in the Data Center Overlay Zone and update environmental impact requirements. Citywide Application. Hannah Salzl (801) 852-6423
hsalzl@provo.gov PLOTA2025045

Applicant: Development Services

Staff Coordinator: Hannah Salzl

POSSIBLE ACTIONS:

1. **Approve** the requested appeal. *This action would be consistent with the recommendations of the Staff Report.*
2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 8, 6:00 P.M.*
3. **Deny** the requested variance. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: Provo City approved the Data Center Overlay Code on September 23, 2025. Now that staff has processed the first application for the DC Overlay, they propose a few environmental and procedural improvements.

Neighborhood Issues: There has not been a neighborhood meeting on this citywide item and staff has not received any feedback at the time of this report.

Summary of Key Issues:

- The proposed amendment would (1) remove power generation as a permitted use in the DC Overlay Zone, (2) require non-evaporative cooling measures, and (3) make minor procedural cleanups.

OVERVIEW

Provo City adopted the Data Center Overlay Zone on September 23, 2025. As staff processed the first application to apply the new zone, they noted a few amendments to streamline the code and bring it into better compliance with the City's environmental goals.

First, the proposed amendments would remove power generation as a permitted use. This would limit data centers to 50 MW since UMPA policies require data centers over 50 MW to build an on-site power generating facility. This also removes the need for data centers that require emissions credits to be located at least 500 feet from sensitive properties (homes, schools, etc.), since no data center would be able to exceed state and federal limits without energy generation.

Second, the amendments would require data centers to use non-evaporative cooling methods. This nearly eliminates water concerns around data centers, since the high water use comes from using evaporation to cool server systems. The water, which is often treated with biocides that could disrupt municipal stormwater systems, would be required to be removed by a third party. This is already an available service in the industry.

Third, the amendments propose removing the requirement that data centers over 5 MW must pay for a third-party environmental analysis. Without power generation and with non-evaporative cooling, the environmental impact of a data center would be roughly the same as a comparable office space. Local environmental analysis companies have expressed that they would have very little to analyze for a data center with those specifications.

The proposed amendments significantly reduce the air pollution and water use from data centers while preserving the City's discretion to reject proposed data centers that do not align with the City's environmental goals.

STAFF ANALYSIS

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments.

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

- (a) Public purpose for the amendment in question.

Staff response: The amendment significantly reduces air pollution and water use from data centers.

- (b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: Staff believe that the proposed amendment serves the public by allowing for a service that provides for an ever-increasing need.

- (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: The amendment furthers the following General Plan goals and strategies:

- 1. Resource Management Strategy 1. Adopt best practices in water use reduction and reuse.**
- 2. Resource Management Strategy 2. Adopt policies to improve indoor and outdoor air quality, to the extent possible.**
- 3. Resource Management Strategy 3. Support the goals in the Conservation and Resiliency Plan.**
- 4. Resource Management Goal 1b. Promote the use of water conservative practices, including landscaping.**

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Staff response: There are no timing and sequencing issues related to this proposal.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

Staff response: This proposal does not hinder or obstruct attainment of the General Plan's articulated policies.

(f) Adverse impacts on adjacent landowners.

Staff response: Staff do not foresee any adverse impacts on adjacent landowners if the proposed conditions and limitation included in this legislation are met.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: This proposal does not conflict with zoning or the General Plan.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: There is not a conflict.

FINDINGS OF FACT

1. The proposed amendments would limit the air pollution and water use of data centers.
2. The proposed amendments would limit data centers to 50 MW per UMPA policies on energy generation.
3. The proposed amendments preserve the Council's discretion to reject DC Overlay Zone rezone applications that do not meet the City's environmental goals.

CONCLUSIONS

After having "field tested" the Data Center Overlay Code, staff feel the amendments would not be burdensome to data centers that would be good partners with the City. The amendments address the environmental concerns expressed by the Administration, Council, Planning Commission, and residents by significantly reducing the potential environmental impacts of data centers in Provo.

ATTACHMENTS

1. Proposed Language for the Data Center Overlay Zone Amendments

ATTACHMENT 1 – PROPOSED LANGUAGE FOR THE DATA CENTER OVERLAY ZONE AMENDMENTS

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.

For the purposes of this Title, a “data center” is defined as a dedicated building or facility designed primarily for housing networked servers and computing infrastructure for continuous operation. It excludes computational facilities primarily engaged in cryptocurrency mining, blockchain validation, or other distributed ledger technology operations.

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.) in accordance with UMPA Data Center Policies to offset risks to taxpayers.
- ~~(5) Applicants for data centers with aggregate power loads of five megawatts (5 MW) or more must cover the cost of having their application reviewed by an independent environmental expert of the City's choice.~~
- (5) Data centers must use non-evaporative cooling methods and may not discharge treated water used for cooling into the municipal systems.
- (6) 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~~ **water reuse strategies, pretreatment details**), and
 - iv. A comparison of water and power usage for data centers of similar scales and for other structures of similar size for different industries;
 - (k) An ~~air quality analysis and mitigation plan~~ estimation of the amount of pollutants that would be produced that includes CO₂, NO_x, VOCs, ozone, PM_{2.5}, PM₁₀, methane, and any other pollutants produced at the site **and compares them against the estimated emissions of a similarly sized office building**; and
 - (l) An end-of-life plan for all technological waste, which must be disposed of at an e-waste recycling facility licensed by the Department of Environmental Quality.
- ~~(7) 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.~~
- ~~(8) Confirmation of emissions credits, if required, must be submitted for verification before a building permit may be issued.~~

~~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, operation of the plant will be transferred to UMPA, with ownership of the plant to be negotiated.~~

14.34A.0760 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.
- (3) Data centers must comply with the noise limits in PCC Section 9.06.040 and any requirements of the zone.

Provo City Planning Commission

Report of Action

March 25, 2026

***ITEM 1** Development Services requests Ordinance Text Amendments to Title 14 to remove power generation as a permitted use in the Data Center Overlay Zone and update environmental impact requirements. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLOTA20250048

The following action was taken by the Planning Commission on the above described item at its regular meeting of March 25, 2026:

RECOMMENDED DENIAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Jonathon Hill

Second By: Anne Allen

Votes in Favor of Motion: Joel Temple, Matt Wheelwright, Jonathon Hill, Jon Lyons, Anne Allen

Jonathon Hill was present as Chair.

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not 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.

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:

- Jeff Chavez, a CEO of Volition Industries and Provo resident, is working to develop a large data center in Provo. He discouraged the Planning Commission on the grounds that (1) Volition intends to use islanded energy fuel cell power generation and (2) Volition's data center claims to be able to bring 2.5-4 million dollars in tax revenue every year. He cautioned Provo from turning away investment opportunities. It should be noted that the prohibition of islanded power generation comes from the Utah Municipal Power Agency (Provo's power provider) and was not an item addressed by the proposed amendment.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Lyons expressed that it seemed premature to close the door on power generation without a fuller understanding of current and emerging power generation trends and potential economic impacts. He asked Jeff Chavez, the CEO of Volition Industries and Provo resident, about the potential tax revenue for the City and about the

credibility of the Bloom energy fuel cells. He responded that the fuel cells are fueled by natural gas but do not use combustion and so have lower emissions than traditional natural gas power stations. Bloom's fuel cells are safe and quiet, and Volition aims to be a good community partner with small-scale data centers near metro areas. Their potential data center would be 30-40 MW on Sierra Vista near the Vox Fulfillment property.

- Commissioner Hill felt that data centers are an increasingly important part of infrastructure that enable economic growth and job creation by supporting other industries. He worried that Provo could lose the opportunity to build cutting-edge data centers if the code were to be too conservative. Commissioner Allen noted that on the other hand, Provo could avoid old-fashioned data centers by being conservative about what they approve. Commissioner Hill gave an example of innovations in efficiency and operations in other fields that were lost to government over-regulation. He expressed that the proposed amendment went too far and closed off too many options.
- Commissioner Wheelwright agreed, noting that although technology will continue to improve, it would still be unwise to shut the door to the good opportunities available now.
- Commissioner Temple supported the idea of making power generation a conditional use within the Data Center Overlay Zone with strict performance standards. The other Commissioners agreed. Commissioner Temple also mentioned considering a Community Benefit Agreement, an agreement where developments that meet certain requirements must provide additional community benefits.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- A blanket ban is too strong. They recommend that the Council consider performance-based standards or other alternatives that would also mitigate the concerns of the public about data centers but that would allow projects that are good for the community to move forward and allow Provo to better react to changing technologies.



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

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.

For the purposes of this Title, a “data center” is defined as a dedicated building or facility designed primarily for housing networked servers and computing infrastructure for continuous operation. It excludes computational facilities primarily engaged in cryptocurrency mining, blockchain validation, or other distributed ledger technology operations.

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.) in accordance with UMPA Data Center Policies to offset risks to taxpayers.
- ~~(5) Applicants for data centers with aggregate power loads of five megawatts (5 MW) or more must cover the cost of having their application reviewed by an independent environmental expert of the City's choice.~~
- (5) Data centers must use non-evaporative cooling methods and may not discharge treated water used for cooling into the municipal systems.
- (6) 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~~ water reuse strategies, pretreatment details), and

- iv. A comparison of water and power usage for data centers of similar scales and for other structures of similar size for different industries;
- (k) An ~~air quality analysis and mitigation plan~~ estimation of the amount of pollutants that would be produced that includes CO₂, NO_x, VOCs, ozone, PM_{2.5}, PM₁₀, methane, and any other pollutants produced at the site **and compares them against the estimated emissions of a similarly sized office building**; and
- (l) An end-of-life plan for all technological waste, which must be disposed of at an e-waste recycling facility licensed by the Department of Environmental Quality.

~~(7) 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.~~

~~(8) Confirmation of emissions credits, if required, must be submitted for verification before a building permit may be issued.~~

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, operation of the plant will be transferred to UMPA, with ownership of the plant to be negotiated.~~

14.34A.0760 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.
- (3) Data centers must comply with the noise limits in PCC Section 9.06.040 and any requirements of the zone.

46 Exhibit A

47 **Chapter 14.34A**

48 **DC – DATA CENTER OVERLAY ZONE**

49 Sections:

50 **14.34A.010 Purpose and Objectives.**

51 **14.34A.020 Permitted Uses.**

52 **14.34A.030 Lot Standards.**

53 **14.34A.040 Project Plan Approval.**

54 **14.34A.050 Development Standards for Data Centers of All Sizes.**

55 **14.34A.060 Development Standards for Large Data Centers.**

56 **14.34A.070 Other Requirements.**

57 **14.34A.010 Purpose and Objectives**

58 The Data Center Overlay Zone (DC Overlay) is established to provide prudent development standards for
59 data centers and similar digital infrastructure facilities ~~as well as any associated power generation~~
60 ~~facilities~~. The provisions of this zone are intended to minimize the negative environmental effects of data
61 centers ~~and power generation~~, especially to air quality, water use, and energy demands.
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63 For the purposes of this Title, a “data center” is defined as a dedicated building or facility designed
64 primarily for housing networked servers and computing infrastructure for continuous operation. It
65 excludes computational facilities primarily engaged in cryptocurrency mining, blockchain validation, or
66 other distributed ledger technology operations.
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68 **14.34A.020 Permitted Uses**

69 The following principal uses and no others are permitted in the DC Overlay, **in addition to the principal**
70 **uses permitted in the underling zone: (1) Data centers.;**

71 ~~(2) Energy generation facilities and transmission infrastructure, subject to Utah Municipal Power~~
72 ~~Authority (UMPA) policies.~~
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74 **14.34A.030 Lot Standards**

75 Each lot or parcel in the DC Overlay must comply with PCC Section 15.03.100 (Adequate Public
76 Facilities).
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78 **14.34A.040 Project Plan Approval**

79 See PCC Sections 15.03.300 and 15.03.310.
80

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82 (1) The DC Overlay may only be combined with Light Manufacturing (M1) and Planned
83 Industrial Commercial (PIC) Zones. Development within the DC Overlay must comply
84 with the development standards of the underlying zone unless otherwise specified in this
85 Chapter.
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87 (2) Data centers must also comply with all requirements listed in Provo City’s Data Center
88 Policy and Application Procedures as well as UMPA Data Center Policies.
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