

Steve Holm	Self	Merry Gravett	Self
Lynn Hopkin	Self	Elisa Borrego	Self
Jennifer Silveri	Self	Laveda Jessop	Self
Russel Reber	SUSP	Riley Vance	Self
Eric Meiner	Self	Earl Boyer	Self
Susan England	Self	Reed Page	Pronghorn Development
J Jones	Self	D Dolato	Self
Roland Bouchard	Self		

Note: An estimated 10-15 additional people attended but did not sign in.

1. WELCOME AND PLEDGE OF ALLEGIANCE

Chair Cox opened the meeting at 5:30 p.m.
 Kyle Christensen led the pledge.

2. ZONE CHANGE – Mathew & Stacy Cook; RA-20 to R-5 - PUBLIC HEARING

Consider a request for a zone change from Rural Agriculture 20 Acre (RA-20) to Residential 5 Acre (R-5) on approximately 20.27 acres. The property is generally located in Section 18, T35S, R11W, SLB&M, Cedar City, Iron County, UT.

APN: D-0515-0007-0000

Applicant: Mathew & Stacy Cook

Introduction:

Brett Hamilton shared the following:

- The 20 acres are zoned RA-20 and the applicants are requesting it to be rezoned to R-5.
- The property is located about a mile away from the next R-5 property, and is within the Tier 2 area.
- The property is located on Midvalley Road, west of Lund Hwy.
- The review criteria for a zone change are used as a guide. They are there to help staff and Planning Commissioners evaluate zone changes.
- The criteria, marked in their packets in red, are a concern for staff. The criteria says the property should be 40 contiguous acres or the property must be adjacent to property that is already zoned to the zone they want to change to.
- Because this property does not meet either of the criteria mentioned, staff is recommending the Planning Commission deny the zone change.
- The Planning Commission makes a recommendation. Because the request is a legislative decision, the County Commission has discretion to approve or deny this request.

Open Public Hearing:

Chair Cox opened the public hearing and read the consideration for the public hearing.
 No comments were made.

Close Public Hearing:

Chair Cox closed the public hearing.

Planning Commission & Staff Discussion:

- Brett shared:
 - The staff discussed that this property may change to Tier IV during the upcoming review of Tier changes. If this happens, property in Tier IV will be required to have a minimum lot size of 20 acres. This type of zone change would not even be considered if it were already in Tier IV.
 - There is an 18-inch water main in Midvalley Road.
 - The sewer is not close, but they could tie in about a half a mile away.
 - As for gas, they would have to do propane out there.
- Terry Palmer explained that originally the area was zoned A-20 which was changed to RA-20 when the County did a review of the zoning in that area. The change was made to limit the allowed uses, so that is why it is in RA-20 now.
- Chair Cox asked if the applicant was there so they could have an opportunity to speak. Brett explained they were not able to make it.
- Roger Thomas shared concerns that approving this would be considered spot zoning. He does not feel the upcoming Tier review should be a factor since it has not changed yet. Due to the adjacent property not being the same, he is opposed to the zone change.
- Chair Cox stated the last time the County had a request for something similar to this, the Planning Commission recommended to deny it.

Planning Commission Action: Recommendation to the County Commission

Motion: Roger Thomas made a motion to recommend to the Iron County Commission that the zone change from RA-20 to R-5, for the 20-acre property identified in the agenda item #2, be denied.

Second: Seconded by Mark Halterman

Motion passed: (Voting, Erick Cox, aye; Mike Platt, aye; Dennis Gray, aye; Mark Halterman, aye; Roger Thomas, aye; Michelle Tullis, aye; Kyle Christensen, aye)

3. **ZONE CHANGE – Vilma Hernandez; R-2 to C - PUBLIC HEARING**

Consider a request for a zone change from Residential 2 Acre (R-2) to Commercial (C) on a 1-acre parcel. The property is generally located in Section 4, T36S, R16W, SLB&M; Lot 103, Escalante Valley Ranchos, Unit 6, Beryl (on Highway 18, north of 800 south) APN: E-1406-0168-0000

Applicant: Vilma Hernandez

Introduction:

- Brett Hamilton shared the following:
 - The 1-acre parcel is located on Hwy 18 west of Newcastle. The nearest commercial business is a stock equipment business on Hwy 18 at 800 S.
 - The current zoning is R-2. The applicant is proposing to change it to Commercial.
 - The request meets all the evaluation criteria including that the property is adjacent to property already zoned Commercial.
 - The applicant will be required to have a septic system and to obtain water rights for a well. These requirements would limit the amount of commercial activity allowed on the parcel.
 - The property owner's intent is to have storage units on the property. They are aware of the limitations.
- Chair Cox asked if applicant was in attendance, and Brett stated they are out of state and were not able to attend.
- Terry Palmer shared that all the property in that area used to be zoned Commercial, and in the late 90's and early 2000's, the County did a rezone on Hwy 18 to take it out of Commercial zoning and put into R-2 zoning. Property owners were told they could submit a future request to change back to commercial if desired, since they have frontage on a highway.
- Roger Thomas asked if they could do septic on the lot. Terry stated they could because it is a legal lot of record.
- Roger also asked if the septic density study would affect that. Terry explained that legal lots of record were taken into consideration with that study so it is allowed.
- Brett clarified that the property would not be eligible for a subdivision due to the 5-acre minimum requirement set because of the Septic Density Study.

Open Public Hearing:

Chair Cox opened the public hearing and read the consideration for the public hearing. The following comments were made:

- A member of the public asked Chair Cox who was sitting at the table and if they were commissioners.
- Chair Cox explained that their nameplates were placed in front of them and they are part of the Planning Commission.

Close Public hearing:

Chair Cox closed the public hearing.

Planning Commission & Staff Discussion:

- Kyle Christensen asked about noise being an issue for nearby residents and Terry responded that the noise mitigation would be addressed if they submit future land use permits.

Planning Commission Action: Recommendation to the County Commission

Motion: Mark Halterman made a motion to recommend to the Iron County Commission that the zone change from R-2 to Commercial, for the 1-acre property identified in the agenda item # 3 be approved.

Second: Seconded by Michelle Tullis.

Motion passed: (Voting, Erick Cox, aye; Mike Platt, aye; Dennis Gray, aye; Mark Halterman, aye; Roger Thomas, aye; Michelle Tullis, aye; Kyle Christensen, aye)

4. **ZONE CHANGE – Cody Roberts; RA-20 to C - PUBLIC HEARING**

Consider a request for a zone change from Rural Agriculture 20 Acre (RA-20) to Commercial (C) on a 20-acre parcel. The property is generally located in Section 2, T37S, R12W, SLB&M; 5566 W 3600 S, Cedar City APN: E-0259-0008-0000

Applicant: Cody Roberts

Introduction:

Brett Hamilton shared the following:

- This proposed zone change application is located south of Cedar City. The property is on the east side of 5700 W, off the I-15 freeway near the Hamilton Fort exit. 5700 W is part of the proposed Cedar Valley Belt Route. 5700 W is part of the Belt Route, which is paved between I-15 and Hwy 56.
- The property is at the northeast corner of 5700 West and 3600 South. The property has an existing residence on it where the property owner lives.
- Current zoning on this property is RA-20 and they are proposing to change the zone to Commercial. The pattern that is happening there, along the belt route, is more commercial changes happening as growth continues to occur in that area.
- This property is adjacent to other existing Commercial zoning, which is one of the factors to be considered.
- As far as infrastructure goes, the property owner is trying to work with Rainbow Ranchos Subdivision to coordinate and work with the water company to get additional water for a potential commercial development.
- Since there is no sewer in the area, if they were to do any type of subdivision, it would have to be minimum 5-acre lots due to the septic system requirements.
- The staff used the evaluation criteria you have been given for this zone change.
- The applicant, Cody Roberts, is present.

Chair Cox asked Cody Roberts if he would like to speak about anything before he opens the public hearing.

Cody Roberts briefly stated that Brett covered everything, that it is all pretty straight forward, and if there are any questions to let him know.

Open Public Hearing:

Chair Cox opened the public hearing and read the consideration for the public hearing.

- Lori Holohan, the neighbor to the east, who personally has no objections to the zone change, asked where the access is going to come from for any kind of commercial activity. The County road that runs along her property is 3600 S, and every winter and spring people get stuck there because the road is not maintained. If there is going to be ingress, she would like the County to consider putting something into the plans about road base or oil to help prevent the dust suppression, otherwise, she would like to limit the access to the Vandenberghe Loop.
- The staff explained that prior to any development the applicant would be required to put a chipsealed or paved road to the end of their property frontage.
- Rich Wilson noted that the existing chipsealed road has not received final county approval because it has not met county standards. Developments have the option to pave or chipseal the road.

Close Public Hearing:

Chair Cox closed the public hearing.

Planning Commission & Staff Discussion:

- Kyle Christensen asked if a residence on the property affects the zone change to commercial.
- Terry Palmer explained the County changed the requirements to allow a caretakers dwelling on a commercial property.

Planning Commission Action: Recommendation to the County Commission

Motion: Mike Platt made a motion to recommend to the Iron County Commission that the zone change from RA-20 to Commercial, for the 20-acre property identified in agenda item # 4 be approved.

Second: Seconded by Roger Thomas.

Motion Passed: (Voting, Erick Cox, aye; Mike Platt, aye; Dennis Gray, aye; Mark Halterman, aye; Roger Thomas, aye; Michelle Tullis, aye; Kyle Christensen, aye)

Brett noted that all three of the zone changes are on the June 8th County Commission meeting agenda. There will another public hearing for each one, and the County Commission will make the final decision on each zone change.

5. CONDITIONAL USE PERMIT – Pronghorn Development, LLC; Antelope Data Center (640-Acre Property)

Consider a request for a Conditional Use Permit for a master planned “Data Center” campus consisting of five buildings, each building totaling approximately 1.35 million square feet, and an on-site “Data Center Power Plant” (scalable natural-gas generation up to 1.5 gigawatts at full buildout), generally located along Antelope Springs Road, approximately 8 miles west of Iron Springs Road, Cedar City, UT; APN: E-0825-0000-0000 (All of SEC 36, T34S, R14W, SLB&M)

Applicant: Pronghorn Development, LLC

Introduction:

Brett Hamilton shared the following:

- Regarding the proposed location of the data center, Enoch and Cedar City are to the east of the Pronghorn Development. The route to get to the property is to take Hwy 56, head north on Iron Springs Road, turn left on Antelope Springs Road, once you turn onto Antelope Springs Road you would then drive 8 miles down that road. The project site is north of the road. The WECCO facility is about 4 miles east of the project site.
- The vicinity map also shows surrounding ownership such as State Trust Lands properties, BLM properties, and private properties.
- With the Master Transportation Plan, Antelope Springs Road is classified as a minor arterial and is an existing road, but it is not paved. Road improvements would be needed.
- The project site is a full section of the mapping grid, is 640 acres, and is currently zoned A-20. Per the table of uses in chapter 17.16 of the Zoning Ordinance, both a data center and a data center power plant are an allowed use with a CUP.
- The proposal is for 5 buildings each approximately 1.35 million square feet. The power plant portion would have a full buildout of 1.5 gigawatts. It would be built in phases over approximately 8-10 years. Each phase would include a power plant component. Each building and each power plant would be built in phases, but not all at once. One power plant facility would be about 300 megawatts to supply the power to one of the data center buildings.
- On Antelope Springs Road, there are 2 entrances, one on the east side of the power plant and the primary entrance would be on the west side of the project site.
- The proposal is to have five power plant buildings on about 44 acres. Five data center buildings will be located on the west end of the site. In total, out the 640 acres of the site, about 250 acres is proposed for the full development.
- Each phase is 1.35 million square feet so at full buildout the project would be 6.75 million square feet.
- The project is designed for artificial intelligence with an onsite power generation, behind the meter. They will not be receiving power from the grid. They are providing their own power for the facility, but there are requirements by the power company to propose to tie into the grid and then once submitted, the power company would deny the request so that they can be behind the meter. The conditions of approval are written in the CUP so they are not allowed to receive power from the grid. They would be conditioned to provide their own power and they would provide that through natural gas.

- Regarding water resources, a total operational demand is estimated at 7.83-acre feet per year, which is including full buildout and all of the 672 employees that they are projecting. The water is for the employees and for any outdoor irrigation. These numbers are based on state estimates. The water use allowance would be lower if they have less employees and do not fully build out.
- Regarding water rights, the CUP paragraph G1 requires they obtain senior water rights within the Beryl Enterprise Water Management Area. The applicant said they would secure pre-1945 water rights so the project has been conditioned to obtain pre-1945 water rights. This means that the rights cannot be curtailed for at least 50 years.
- The closed loop technology is a recirculated water system with an 8-acre feet of water for full buildout. Since it is being built in phases, each phase would require approximately 1/5 of the 8-acre feet per phase.
- The power plant is proposing reciprocating engines that uses very little water, but the amount would still have to be included in the water use study.
- Regarding fire suppression, there is proposed water storage onsite to primarily service the office areas, but for everything else, it is a waterless clean agent suppressant system. The data center would not be utilizing the water because it would damage the equipment at the facility.
- During construction, it is estimated that 10 to 20-acre feet of water would be used annually, which includes water going into the concrete, and water for dust suppression of the site
- The project is within the Beryl Enterprise Groundwater Management Plan area so it is subject to all of the regulations the state requires.
- The power plant facility would require, per the CUP conditions, approvals from the Utah Division of Air Quality prior to any building permits being issued. The County does not have air quality regulations because the County is not a regulator for air quality, but the County can mandate that they have those approvals from the State. Any of the State or applicable Federal regulations would have to be met and documentation provided to the County before any building permits would be issued.
- Containment for any other lubricants or fuel systems that are provided have been outlined in the Spill Prevention Plan that the applicant has provided with the application. The County has conditioned maintenance for the backup generator including limited testing during day time hours, no testing during nighttime hours to prevent disturbance, and limits to how long the generator can be run. There are different criteria from other regulators that may stipulate a different timeframe for safety purposes, which is outlined and specified in the conditions. The County would not want a CUP to conflict with a standard that is needed for safety purposes.
- The applicant is proposing a new 24-inch natural gas line from the Kern River pipeline system, which is a little over 4 miles west of the project site. Each of the five power plant buildings would house 18 generators that would provide about 300 megawatts. There are also existing gas pipelines within Antelope Springs, but the applicant would not be able to utilize those because they have to provide their own. There are existing overhead power lines, existing fiber, and some new fiber lines being proposed. The new lines would require approval from BLM and private property owners before being installed.
- Regarding sound mitigation, the County Code, Chapter 17.37, provides specific decibel level requirements so the applicant must provide documentation to show they can meet that standard. The acoustic analysis submitted shows they would not meet the 65-decibel requirement at the property boundary, but with mitigation including silencers on the generators, sound walls, and other mitigation efforts, they would be below that 65 decibel limit. Two additional conditions include a 55-decibel level at residential property and a 50-decibel level at any existing residence during the nighttime (between 9PM and 7AM). The applicant cannot rely just on the noise study prior to construction. They would be conditioned to do a study after construction and after operations begin, they must perform another noise analysis to make sure the decibel levels meet the code. The noise requirements must be met at every single phase of the project.
- Regarding light mitigation, several people from Dark Sky International helped craft the condition that has been proposed. Criteria has been included within that condition including capping the color at 2,700 kelvin, so it is a much warmer temperature. The warmer temperature helps with the surrounding wildlife and reduce light pollution. B.U.G. restriction stands for backlight, up-light, and glare. There are codes and specific criteria that they would be required to meet for lighting on the site. For security, lighting would be able to remain at a minimum level, but all other lighting would have to be motion activated. A security plan would be required to identify what lighting is necessary for security purposes.
- The project site is on a yearlong crucial habitat for the pronghorn antelope. Some of the conditions that are included for that include prohibiting ground disturbing work during the fawning season from April 15th to June 15th, and habitat mitigation at a four to one ratio for permanent disturbance. The condition provides flexibility for alternative mitigation approaches. If a proposed measure offers greater value than simply preserving additional land, such as enhancing wildlife corridors or improving water availability, those options may be considered. Any site-specific mitigation measures, including water-related facilities, would be developed and managed in coordination with DWR to determine whether they provide mitigation value equivalent to or greater than additional land preservation.
- Regarding prairie dogs, a Protocol Level Survey is required before any earthwork is done to protect the listed species, to make sure they would not be impacted.
- Regarding roadways, discussions to prevent any road failures from construction traffic that is going to occur over the years will be coordinated with the County engineer. The initial applicant proposal was a double chipseal. The conditions of approval have a minimum 3-inch asphalt pavement over an approved base course. The intersection redesign and the realignment of Antelope Springs and Iron Springs Rd is due to safety conflicts with the existing railroad. Baseline monitoring would occur at preconstruction and throughout the construction process, and at the end of construction. It would then be turned over to the County for maintenance if it is

meeting county standards. The existing intersection of Antelope Springs Road and Iron Springs Road is really close to the railroad crossing. To avoid any safety or stacking issues, it would be relocated further north. About 8.4 miles of paving from Iron Springs Road onto Antelope Springs Road would be required. Construction timeline for that pavement would be estimated at about 2 ½ months. Realignment of Antelope Springs Rd could not occur until there was concurrence from that existing property owner.

- An economic impact analysis was prepared by Alpen Associates. The economic and labor projections are based on their data. Projected potential jobs at full buildout is 672 and is estimated to generate approximately 1800 fulltime equivalent jobs throughout the County. Estimated wages for the 672 full time jobs would average just under \$115,000.00.
- The Planning Commission has gone through a long public review process. There have been many opportunities to provide input, which have exceeded legal requirements. The State of Utah does not require public hearings for Conditional Use Permits, but Iron County has chosen to require them.
- A public hearing was held March 5th. The County continued to receive and accept all comments up until yesterday. Those comments have all been entered into the record and provided to the Planning Commissioners. The County has received a lot of great feedback and input from the public. Each time a new concern was submitted, it was reviewed, and staff determined if any modification to the draft conditions of approval needed to be made.
- The Planning Commission's role as stated in Iron County Code, Chapter 17.37 is to determine whether all of the code requirements can be met and whether impacts can be adequately mitigated through conditions of approval. There are four options the Planning Commission considers:
 - Approve the CUP as currently proposed with the conditions of approval as drafted.
 - Approve the CUP but modify those conditions.
 - Deny the CUP based on clear, evidence-based findings detailing which specific standards of Iron County Code the application fails to meet.
 - Continue the item if there are still unanswered questions. There is no mandate or requirement to make a vote tonight if additional information is needed.

Chair Cox asked the Planning Commissioners if they had additional questions.

Michelle Tullis asked if Brett would share what concerns staff and County Commissioners had that contributed to the decision for a moratorium.

Brett explained that:

- Anything staff or Planning Commissioners felt the County's existing ordinance did not address fully was added as a condition of approval. Many of the conditions could likely be added as code regulations.
- The intent of the moratorium is to determine what regulations could be incorporated into the County's ordinance and what existing code standards are not strong enough.
- Doing this will make it easier for everyone to know and understand what the County's regulations are rather than the applicant having to apply for a CUP and then having to figure out what other standards may be added in during the CUP process.
- At the April 2nd Planning Commission Meeting, some of those suggested regulation changes were highlighted. Now that staff and the Planning Commission have gone through this first data center application, we have a better understanding of what our regulations should be, and what information needs to be known up front.

Regarding continuing this item beyond the moratorium: The CUP can be continued, but since the application is already complete, any new ordinance adopted later would not apply to this application.

Dennis Gray shared that:

- He, along with the public, had many concerns about the proposed project.
- He has spent hours and hours going through the public comments, including the ones submitted today.
- His own concerns about water, the wastewater disposal systems, the power, and the infrastructure have all been met to his satisfaction with the conditions of approval.
- He appreciates Brett and staff for their efforts to be very thorough in an effort to take care of the public. There is a comprehensive list of conditions of approval that mitigate his concerns. He feels the burden of proof has been met.

Female member of the public shared she had submitted feedback through the system and never received any responses.

- Where is the water report?
- During the analysis for sound and light pollution, would those impact analyses be ongoing afterwards from a third party or in-house?
- Is there wastewater system information that she can look at?

Brett stated:

- The water use report is in Section G of the conditions stating the criteria that has to be met includes the applicant provide a water demand study which would have to include if they were going to connect through Cedar Valley Water Conservancy District or provide their own onsite well system. The County is not a water provider so would not tell them how to operate that. If they do go through the Water Conservancy District, the reports would be posted on the Conservancy Districts website. Those water consumption reports would also be required and submitted to the County so review of the established thresholds can be monitored.
- The noise study would have to be done by a licensed noise engineer and submitted to the County. If at any point the County felt like there were discrepancies in the analysis, the applicant may be required to correct those issues. The County does have the option to hire a third-party consultant to perform a noise study to see if it aligns with what was reported by the applicant.

- On the Iron County website, ironcountyut.gov, there is a data center information page. The information has been periodically updated over the last month or so and provides information on the application received including the information that has been provided to the County and Planning Commission with reports and appendices. There is information about the moratorium with a link to the ordinance text as well.

Marion Munn thanked Brett for all of his work and for being perpetually patient and very polite. She feels no one should be expressing aggression towards any one of the staff or Planning Commission. She asked if the County had considered the problem of clusters of data centers and studying the cumulative impact since Red Butte and others are showing interest in coming into the area.

Brett responded that he and Marion have had many good conversations. He appreciates all of her comments. He explained that:

- Part of the reason for the moratorium is so that something like data center clusters could be included in the County Ordinance, which might include additional studies like proximity to another data center.
- Another change may include taking this use out of the A-20 zone in the Table of Uses and adding an “overlay zone” to the ordinance to limit the number of data centers allowed and where they could be appropriate to build.
- The purpose of the moratorium is to improve the ordinance to have a more robust list of standards and conditions up front.
- Any impacts that can’t be addressed through conditions of approval because they are not directly related to the project may be considered through the ordinance amendment process.

An Audience member asked where the site is listed as light industrial. They don’t feel like a power plant is a light industrial use.

- The Table of Uses list is located in Chapter 17.16.030 in the County Zoning Ordinance. The list includes data centers, and as a separate use, data center power plants with a CUP within an A-20 zone. The site is zoned A-20. They are listed separately in the Table of Uses because there is more than one type of power plant. Data center power plants are not permitted in the Light Industrial zone. Staff presented the table of uses and discussed what zones various power plant uses are permitted, and what permits are required.

An audience member asked about public health concerns, air quality, and what was being done to make sure people don’t end up with asthma.

- Brett explained the County does not regulate air quality or establish those regulations. The DEQ has permitting requirements that must be followed.

An audience member asked about a decommissioning bond.

- Brett explained that the decommissioning and site restoration plan does not say they would have to tear an entire building down, but there are things that could be repurposed. The plan includes what types of things would need to be removed, cleaned up, remediated, repurposed to something else, or used for a different type of facility.

An audience member asked if there was a redundancy built into the power situation because most data centers want to hook into the electric grid so they do not have downtime.

- Brett noted the applicant may be able to provide some additional background, but there would be emergency backup generators. One of the conditions of the CUP addresses emergency backup including limiting the amount of runtime and limiting the times of day they can run the generators. The State or Federal air quality permits would include requirements for this as well.

Roger Thomas:

- Noted that in condition A-3 of the CUP, Alternative and Supplemental Energy Sources, it does not list onsite energy generation. He asked if the word alternative or alternate energy generation was accidentally omitted. Brett explained the condition was intended to be alternative energy generation.
- Asked about condition B-2 regarding the pronghorn antelope habitat and whether DWR should be counseled with. Brett shared that since the DWR is not a regulating agency, the County would coordinate with the DWR, but the County would have the final decision on any mitigation efforts. The County would lean on DWR’s knowledge, but would have to determine what is best for the residents and for the wildlife. The County does have a Natural Resource specialist that would do a lot of the coordination. If the Planning Commission wants to make it a requirement to coordinate with DWR, that could be changed in the CUP.

Chair Cox shared that in condition B-2 it says the applicant shall prepare a Wildlife Mitigation Plan in coordination with Iron County and the DWR.

Brett explained that the mitigation plan would probably identify different types of mitigations.

Roger Thomas:

- Pointed out the CUP does require a Class 3 Intensive Pedestrian Cultural Resource Survey.
- Noted that in condition C-5, Fencing and Security, it says there is a standard fencing for livestock. Roger thinks the word “standard” needs to be taken out because the County is not providing a standard.
- Shared that he likes the light trespass required because he is a stickler for dark skies.
- Noted that in condition G-2, regarding water, even before you mentioned option 1 and 2, it stipulates very clearly all water usage will be continuously monitored so there is not ambiguity.

Brett explained the County does not have a set standard for livestock fencing so the intent was to require the applicant to keep the cattle out.

Terry Palmer added the applicant is the one who has to figure out the fence design to keep the cattle out because Utah is a fence-out state.

Brett added that Dark Sky International wanted to know if they could use the condition regarding light to post it nationally, where everyone could look at it, but he told them no, because it has not been adopted yet.

An audience member asked if the water monitoring included wells and asked if the County has enough water for the project.

- Roger Thomas explained that further down in condition G-3, Drought Conditions, it states “This project will comply with all applicable drought restrictions imposed by the State, water providers, or local authorities”. Therefore, they are not exempt from any of the drought water restrictions the County may have. If they do not comply, this board can revoke their CUP.

An audience member asked about noise and lighting restrictions.

- Rich Wilson explained that when it comes to decibel levels, for example, he is speaking at about 65 decibels right now, which is not very loud. The County is requiring the applicant to be below that level at the property line no matter how close or far they are from the property line.
- Rich Wilson shared the County is working on requirements for light mitigation including downward lighting to be at .1 candle at the boundary line, which decreases exponentially as you move away from the source. In addition, to add shield lighting requirements so the light will not shine out at a 90-degree angle.

Roger Thomas agreed with Dennis Gray noting that he was skeptical when the County started this data center CUP as well, but the CUP has a very large amount of conditions that if the applicant accepts the conditions, they have a lot of work to do. This would be the start of a very long journey of permitting through outside agencies.

Terry Palmer shared that if approved, the beginning of this project is at least 2 years out for the first building permit.

Roger clarified that the applicant would have to have supporting evidence of compliance from State and Federal agencies before a building permit is even entertained.

Terry confirmed all the staff would review all the paperwork again at that time to make sure they are in compliance with the CUP.

An audience member mentioned the noise in this building and asked them to imagine that noise at 50 times more outside. Also, that his well will be sucked dry in 50 years and he'll die out there. He shared that in the 1970's his dad was an engineer on the Central Utah Water Project. The water is much less now and he does not want this project.

An audience member stated that Governor Cox has said it is the worst water year in Utah's recorded history.

An audience member asked if it was correct that the Planning Commissioners would allow this to go forward as long as the applicant, Pronghorn Development meets all the rules and regulations and gets permits because there are no grounds to kill the project or deny them going forward and building it even though most residents in the County probably do not want it. Once they do this, even if there was a referendum to vote on it, you do not have the authority to say it is not going to happen.

- Chair Cox explained that the County can pull their permit if they do not continually meet their requirements.
- Sam Woodall, Deputy Attorney, stated that is how our ordinance is currently set up. If the applicant meets the conditions of our current ordinance, as long as we can satisfy the ordinance, then yes, there is limited discretion as a Planning Commission on what they can approve or not approve. As Brett said, if they do choose to deny the CUP, it has to be based on an objective reason with substantial evidence on the record. It is possible, but the Planning Commissioners are limited on what decisions can be made.

An audience member asked what happens if the applicant goes over their allotted water usage.

- Chair Cox explained that the CUP would be reviewed and revoked.

An audience member asked if there was not enough water in a drought situation who would be the priority.

- Chair Cox stated that what was read previously in this meeting said that we all have to comply with restrictions equally.

An audience member shared concerns of why China in particular has around 400 data centers and yet the United States has around 1400 data centers. They asked why the County is not focusing on the studies that have been put out with the droughts, pollution, etc. There is going to be waste product, so the project is going to take a lot of water. Even with the closed circuit, a quarter of what an evaporative coolant system uses, it would take millions of gallons. I am not an expert on it, but I have looked into a lot of studies. I would love to hear why we are in an arms race and having 1400 or more data centers in the United States and we are competing with somebody that has 400. He asked what guarantees the public has that it is not going to end up like Georgia where they have taps running dry because of the data centers.

Chair Cox stated the Planning Commission has 480 pages of documentation and a lot of it has been received from those in attendance. He knows who many in attendance are by name including Mr. Loveheart on the front row, who makes all kinds of videos on Facebook. The Planning Commissioners have heard your concerns and have considered them at length. Like Dennis said, he spent hours and hours reading those same studies that have been talked about and has considered those, and how they apply. This particular project has to be weighed and measured on its own merits. No one can say this is going to be Georgia because it is not Georgia. This is Iron County.

An audience member asked if the County has talked to the other cities that have data centers and gathered information about them.

- Chair Cox replied the staff and some commissioners visited a data center in Salt Lake City.

An audience member asked if the planning commissioners or staff talked to the data center or the neighbors in Salt Lake City.

- Chair Cox shared that the staff and commissioners have spoken with, and asked questions with the members at the data center and took notes of all the helpful information they provided. The data center is located next to Salt Lake Community College and a neighborhood of around 5,000 homes. Nearby homeowners were not contacted. Those who run the data center said they have not received any complaints from the surrounding property owners.

An audience member asked what the benefit of the data center is other than 1,000 employees and everyone having access to the internet.

Dennis Gray emphasized that it is his understanding that this not a public hearing, although the Planning Commission has allowed people to ask questions and receive answers. The comments are appreciated, but he would like to see the commission vote and move on. He is willing to stay after to talk to the public and to answer questions.

An audience member shared that he is aware of a product called BiCARBUS that is a highly activated hydrogen ion that is injected into drinking water. It maintains complete microbial control downstream from the injection point with zero residuals. There has been seven years of study that has been done by the University of Houston. The product is currently used in Sweetwater, and Timpson, Texas, and the first trial in Corpus Christi, Texas has just been completed. Many people are not aware of the fact that drinking water varies with every different well. In some cases, water districts use hydrogen peroxide, hydrogen dioxide, hypochlorite, hypochloric acid, hydriatic acid, liquid ammonium sulfate, or two different types of chlorine to clarify and to purify the water that we all drink. These studies out of the University of Houston have found that they use 60% less chlorine treating their drinking water. No more liquid ammonium sulfate, no more hydrogen dioxide, no more hydrogen peroxide, and they have some of the best water in the state of Texas. He has presented this information to the State of

Utah. The product was actually invented here in the Provo, Utah. So, when it comes to treating the water, and I can honestly say that I know the people that are doing this data center, I can tell you that they would be using this product in their water.

An audience member asked for clarification based on what was said at this meeting, that the County is depending on the State of Utah to control the air pollution because they are the regulatory agency.

➤ Chair Cox recommend they contact that agency and ask them what they can do to help them.

An audience member stated that Iron County Code specifically says that if it is going to be harmful to the public health, safety, or welfare that is a reason to not vote for it. Legally, you cannot vote for it. The harmful air quality alone meets the criteria to deny.

An audience member added that in the 1970s, there was a nuclear testing facility in Nevada that did some nuclear site testing and the toxic dust floated up and caused a bunch of problems for people. His daughter, when she was 19 months, got cancer so he looked into toxins and poisons, and a lot of that comes from things like this project. He lives in Parowan where there is a northeastern prevailing wind that comes up from Nevada and takes all that toxic dust west of Enoch and pushes it into Parowan. He wants that to be considered, but he does not know how that process happens. He thinks those two talking heads should get together and figure out a way to make the air quality safe for residents.

An audience member (Steve) stated he has 2 items for the Planning Commission. Number one is that the State does regulate air and water and if the public has any questions, they can contact them, especially expiration dates of water rights. Secondly, this is not an accurate representation of the County; this group/audience is very biased against the data center. He appreciates what the Planning Commissioners do.

Planning Commission Action: Approve, Deny, Continue the Item:

Kyle Christensen stated that he will be abstaining from voting, since he is new to the Planning Commission, and has not been involved with all of the data center discussion from previous months.

Motion: Dennis Gray made a motion to grant the Conditional Use Permit for the 640-acre property identified in Agenda item # 5, having found the application to be in compliance with the requirements of the Iron County Land Management Code, specifically Section 17.28.050.

Second: Seconded by Mark Halterman.

Clarification: Roger Thomas asked if the motion includes the wording changes discussed earlier in this meeting. 1) Edit condition A-3 regarding alternate Energy because it currently reads as if they cannot generate any energy on site. 2) Edit condition C-5, regarding the livestock fence, so the applicant knows they have to submit their fencing standard and plans for approval.

Amend Motion: Dennis Gray amended the motion to include the 2 changes Roger Thomas identified.

Motion Passed: (Voting, Erick Cox, aye; Mike Platt, aye; Dennis Gray, aye; Mark Halterman, aye; Roger Thomas, aye; Michelle Tullis, aye; Kyle Christensen, abstained)

6. PUBLIC COMMENTS – Non-Agenda Items

Chair Cox opened the public comments. The following comments were made:

An audience member asked where she could find a map showing the Tiers within the County.

- Brett showed how to find the tiers by pulling up ironcountyut.gov, click on GIS maps, open the Zoning map, open the layer tab at the bottom, and toggle the Tier Layer on and off. Red dashed line is the Tier II boundaries. To clarify:
 - Tier I is incorporated city area.
 - Tier II is the surrounding area of growth.
 - Tier III is for special planned areas.
 - Tier IV is everything else in the County.
- Rich Wilson explained that you can change the transparency of the lines on the map so they show up more or less, so you can see who the owners are. There are several layers you can turn on and off.
- Terry shared that you could give Brett a call and he could send you a link for that.
- Brett explained that the changes to the Tier boundaries around Brian Head, Parowan, Paragonah, Kanarrville, and Newcastle are done. Most recently, the County has been working on the Tier boundaries around Cedar City and Enoch. He will email her the maps of what the proposed changes are.

Robert Broussard asked what is happening with the Genpak building on Hwy 56.

- Erick Cox said that Utah Steel has bought the east building. They are going to move their operations from Iron Springs Rd.
- Terry Palmer stated that because that is located within Cedar City limits, he does not know all of the details.

Tom York asked about the growth happening on Cross Hollow Rd and if there were plans to expand.

- Rich Wilson explained that Cross Hollow Rd is within Cedar City limits and recommended he call the Cedar City engineer.
- Chair Cox is aware that from Silver Silo down, they initially put in culverts and drainage to be able to accommodate that road to be 2 lanes in each direction, but that is in Cedar City's plan.
- Mike Platt shared that as those properties develop those property owners will be responsible to follow Cedar City's code.

Dwight Hargett stated that Rich had mentioned trust earlier and asked if it was common practice for a public hearing to be executed 2 days after an application is complete. In his experience, it is usually 2 weeks so he wants to know why that happened. He also asked about the second public meeting.

- Brett Hamilton explained that there was a 10-day notice that was sent out on February 23rd. The difference for this CUP application from a typical one is that the County wanted to get public input early in the process. Staff knew that it would be presented at multiple meetings so the public hearing was held at the first meeting. The comment period was kept open and staff continued to receive

comments all the way up until tonight, including emails, in person conversations, phone calls, etc. The public notices go out to adjacent property owners, are posted on the State's public notice website, posted on the Iron County website, and additional signs were posted near the site on Antelope Springs Rd. To stay current on public hearings, the public needs to check the State's public notice website or the County's website.

- Rich Wilson encouraged everyone to read Malcolm Gladwell's book "Talking to Strangers" about why trust is so important as a society. The book explains that if we question everyone and everything we make no movement forward because we are always suspicious.

Dwight Hargett explained he was at this meeting because he had talked to a County Commissioner who was stating ridiculous things on social media. He was told to come to this meeting to get answers, so he did.

- Rich noted that the County tries to take people at face value, including the public comments, and then research to verify. The staff and Planning Commissioners do review the information and have done so over the past 3 months. Over 200 emails have been received.

An audience member asked if the County did public surveys.

- Rich explained the County does do public surveys. Surveys for the Transportation Master Plan were done for many months where public input was requested. The Safe Streets for All (SS4A) program included multiple public meetings throughout the County along with an online survey that was open to the public.

Mike Platt shared that the Planning Commissioners are volunteers, they are not elected, and they are not paid to be here. He would much rather be spending time with his children, who are competing in the summer games tonight. It bothers him when false accusations are made.

- Terry Palmer added that not only are they not paid, they get a lot of abuse from people.
- Sam Woodall added that Brett is sensitive to the work it takes to do a Conditional Use Permit. The moratorium will hopefully address the opportunity to see this put into an ordinance that does not require Planning Commission decision because it will be built into the ordinance. There are 170 days left of the moratorium.

An audience member asked when the CUP will be going to the County Commission for a vote.

Terry explained:

- The CUP has been approved. There will be public input and public hearings for the moratorium.
- The public input is appreciated. The County left the public comment period open to receive their input on the CUP. In his 30 years of working for the County, he has never seen a CUP with this many conditions.
- He did not appreciate the insults and the threats that were said between people at this meeting, especially towards the people who live the closest to the data center. They were insulted and threatened at this meeting. That is not what the County wants to see or hear.
- He appreciates all who take time out of their schedule to be here.
- The data center will not begin any building construction for at least 2 years.

Chair Cox asked if there were any more comments.

Jennifer Fife stated that transparency has been discussed, but everything is hinging off of Chapter 17. When she went back and looked at previous agenda items, nowhere did it say data center. As a resident, she feels it is hard to look at an agenda and know what is being discussed and that if it were more specific more people would be in attendance at the public hearing.

- Terry Palmer stated he is sorry to disagree because when this ordinance was changed, it was enumerated many times on social media, and in County Commission meetings as data centers.
- Chair Cox also stated it was noticed for the Planning Commission as a data center.
- Jennifer stated it was not on the agenda as a data center, only as Chapter 17.
- Although stating this during Staff Reports later in the meeting, Michelle Tullis did locate the April 3, 2025 Planning Commission agenda that does list County Code Amendments, Ordinance 2025-4 Amending Section 17.16.030, Table of Uses, and adding Chapter 17.37 Data Center (creating provisions and regulations for the permitting of a data center).

Close Public Comments:

Chair Cox closed the public comments.

7. MINUTES... consider approval of minutes for May 7, 2026 meeting.

Motion: Chair Cox made a motion to approve of the minutes for May 7, 2026 as the official record of that same Planning Commission meeting.

Second: Seconded by Dennis Gray.

Motion Passed: (Voting, Erick Cox, aye; Mike Platt, aye; Dennis Gray, aye; Mark Halterman, aye; Roger Thomas, aye; Michelle Tullis, aye; Kyle Christensen, aye)

8. STAFF REPORTS...

Building Department: Terry Palmer stated they are still busy.

County Attorney: No report given.

County Engineer: Rich asked about the July meeting. Staff and Planning Commissioners discussed the date. The next meeting will be held on July 2, 2026 as currently planned.

Planner & Services Coordinator: No report given.

Minutes Approved June 4, 2026 by the Iron County Planning Commission

9. ADJOURN: Chair Cox adjourned the meeting at 7:40 p.m.

Lisa Woolsey

7/7/2026