



Planning Commission Work Session Meeting Agenda

August 12, 2026

Council Chambers

06:00 PM

To watch meetings online, visit Tooele County's [YouTube](#). To submit a public comment before the meeting, [email comments](#), anytime up until the meeting starts. Pursuant to the Americans with Disability Act, individuals needing special accommodations during this meeting should notify Stephanie Eastburn, Tooele County Community Development, at 435-843-3160 prior to the meeting.

1. Welcome and Roll Call

2. Discussion Items

A. Chapter 34- Data Center Facilities

Attachments

1. [Chaper 34 - Data Center Facilities.pdf](#)
2. [Chapter 34 - Data Center Version2.pdf](#)
3. [Summary of Changes.pdf](#)

3. Adjournment

CHAPTER 34

DATA CENTER FACILITIES

34-1. Purpose and Intent.

This Chapter establishes land use standards and review procedures for data center facilities in Tooele County. The purposes of this Chapter are to:

- (1)** provide for the orderly development of data center facilities in locations where they are compatible with surrounding land uses and public infrastructure;
- (2)** establish objective standards for the review of data center facilities and provide a transparent, predictable, and legally defensible process for applicants, affected property owners, residents, service providers, reviewing agencies, the Planning Commission, and the County Council;
- (3)** protect residential areas, sensitive lands, agricultural operations, public infrastructure, and adjacent uses from reasonably anticipated detrimental effects, including noise, low-frequency sound, light trespass, air emissions, traffic, vibration, visual impacts, water demand, wastewater impacts, emergency response impacts, and construction impacts;
- (4)** ensure that the County and the public have complete, accurate, and timely information about a proposed facility's resource use, infrastructure needs, fiscal impacts, and operational impacts before a land use decision is made;
- (5)** ensure that public infrastructure and public service costs attributable to a facility are identified and lawfully allocated through conditions of approval, improvement agreements, development agreements, reimbursement agreements, impact fees, service agreements, or other lawful mechanisms;
- (6)** provide for safe operation, continuing compliance monitoring, complaint response, annual reporting, and eventual decommissioning of data center facilities;
- (7)** support economic development that is consistent with the Tooele County General Plan, adopted land use regulations, infrastructure capacity, fiscal sustainability, and the health, safety, and welfare of County residents; and
- (8)** avoid unnecessary barriers to lawful data center development where the standards of this Chapter are met and reasonably anticipated detrimental effects can be substantially mitigated through reasonable conditions.

34-2. Applicability; Relationship to Other Laws; Land Use Authority.

- (1) Applicability.** This Chapter applies to the establishment, expansion, substantial modification, operation, monitoring, enforcement, and decommissioning of data center facilities, co-located power generation facilities, and microgrids that serve data center facilities within Tooele County's land-use jurisdiction.
- (2) Relationship to state law.** References in this Chapter to the County Land Use, Development, and Management Act mean Utah Code Title 17, Chapter 79, as amended, and any successor provisions. This Chapter shall be interpreted and applied consistently with applicable Utah law, including the standards governing conditional uses, land use decisions, application completeness, appeal authorities, vested rights, development agreements, exactions, notices, records, and judicial review.

(3) Conditional use standard. A data center facility that is allowed as a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with Utah law and this Chapter.

(4) Administrative decision. A decision on a conditional use permit under this Chapter is an administrative land use decision. When acting as Land Use Authority under this Chapter, the Planning Commission shall apply the standards of this Chapter to the evidence in the record and shall not base a decision on generalized public opposition, unsupported speculation, or policy preferences that are not tied to adopted standards.

(5) Designated Land Use Authority. The Planning Commission is designated as the Land Use Authority for all data center facilities, including small, large, and hyperscale data center facilities and any data center facility that includes co-located power generation or a microgrid. The Planning Commission acts in an administrative capacity when deciding an application under this Chapter.

(6) Other permits required. Approval under this Chapter does not replace any building permit, fire code approval, health department approval, air quality permit, water right approval, wastewater approval, stormwater approval, encroachment permit, road access approval, utility approval, state or federal permit, or other approval required by law.

(7) Preemption and jurisdiction. Nothing in this Chapter authorizes the County to regulate any matter preempted by federal or state law. For nuclear generation, the County's review is limited to matters within the County's land-use authority, including site compatibility, local infrastructure, access, non-radiological land use impacts, emergency services coordination, and compliance with County development standards. The County does not regulate radiological safety, nuclear licensing, fuel enrichment, spent-fuel handling, or matters reserved to the United States Nuclear Regulatory Commission or another agency with exclusive jurisdiction.

(8) Development authority project areas. Where a facility is proposed within a project area of the Military Installation Development Authority or another entity exercising independent land use authority, land use review may occur under that entity's process rather than the County's. In such cases, the County may request that the disclosure, transparency, infrastructure, public safety, and mitigation standards of this Chapter inform that review and any intergovernmental agreement, participation agreement, development agreement, or project area plan.

(9) Other applicable state laws. The land use review under this Chapter shall also be informed by, and interpreted consistently with, the following state-law frameworks where they apply to the proposed facility: the County Energy Excise Tax Act, Title 59, Chapter 35; the Large Load Customer provisions of the Public Service Commission Act, Title 54, Chapter 26; the qualifying data center provisions of Title 59, Chapter 12; the Prohibition on Tax Increment Incentives for Large Load Data Centers Act, Title 11, Chapter 41, Part 2; the Creation of Regionally Significant Development Zones, Title 63N, Chapter 3a; and the Regionally Significant Development Zones Act, Title 17C, Chapter 6. References mean the cited provisions as amended and any successor provisions. Nothing in this Chapter independently authorizes the County to impose, administer, collect, dedicate, transfer, rebate, or pledge a tax or other public revenue.

(10) Separate land use, utility, tax, and economic-development decisions. Approval under this Chapter does not determine whether a facility is a qualifying data center, large load customer, large load data center, or high-impact consumer; does not determine delivered value, tax liability, exemption eligibility, utility rates, or entitlement to an incentive; and does not create or approve an RSDZ. Any tax levy, repeal, or rate change; RSDZ proposal or modification; dedication or transfer of revenue; incentive; tax-increment participation; utility tariff; or economic-development agreement requires separate action

by the legally authorized body under applicable law. Fiscal estimates submitted under this Chapter are planning information only and do not bind the County, the Utah State Tax Commission, a utility, an RSDZ agency, or another taxing entity. The Land Use Authority shall not approve or deny a land use application solely because of the amount of projected tax revenue or the availability of an incentive, but may consider identifiable public infrastructure and service impacts and lawful mitigation of those impacts. Information submitted under this Chapter may be used to inform separate actions under the Tooele County Energy Excise Tax Ordinance, the RSDZ Overlay chapter, the RSDZ statutes, or other applicable tax, utility, and economic-development laws, subject to GRAMA and other applicable confidentiality requirements.

(11) County implementing ordinances. This Chapter shall be interpreted and applied consistently with the Tooele County Energy Excise Tax Ordinance adopted pursuant to Title 59, Chapter 35, Utah Code Annotated 1953, as amended, and the Regionally Significant Development Zone Overlay chapter of the Tooele County Land Use Ordinance.

34-3. Definitions.

For this Chapter, the following terms have the meanings given below. Terms not defined in this Chapter have the meaning given elsewhere in the Tooele County Land Use Code or, if not defined there, their ordinary meaning.

A-weighted decibel (dBA). A measure of sound pressure level weighted to approximate the response of human hearing to ordinary audible sound.

Air cooling system. A cooling system that rejects heat primarily to the air without the consumptive use of water.

Appeal Authority. The person, board, commission, hearing officer, or other body designated by County ordinance to decide an appeal of a land use decision.

Applicant. The property owner, authorized agent, developer, operator, or other person submitting an application under this Chapter.

Backup generator. An internal combustion engine or combustion turbine, together with associated fuel supply, installed to provide standby electrical power.

Baseload generation source. An on-site or nearby generation source designed to operate continuously to meet the major consumer's electrical demand, as distinguished from a backup generator that operates only during outages or testing.

Battery energy storage system, or BESS. An electrochemical energy storage system, including but not limited to a lithium-ion battery system, used to store electrical energy for later use.

C-weighted decibel (dBC). A measure of sound pressure level weighted to capture more low-frequency sound energy than the A-weighted scale, used to evaluate tonal and low-frequency noise.

Closed-loop cooling system. A cooling system that recirculates cooling fluid and is designed to minimize consumptive water use.

Co-located power generation. An electrical generation facility, including a natural gas turbine, reciprocating engine, fuel cell installation, nuclear reactor, or other generation technology, developed on or adjacent to a data center site primarily to serve the data center facility, whether or not the generation facility also delivers power to the electrical grid.

Community reinvestment agency. A community reinvestment agency designated to manage a regionally significant development zone under Title 17C, Chapter 6, Utah Code, as amended.

Complete application. An application that contains the plans, documents, studies, fees, and other information expressly required by this Chapter, the general conditional use permit provisions of the Land Use Code, and the County's published application checklist, subject to a written completeness determination under applicable law. A request for supplemental information shall identify the specific objective and the ordinance-based requirement that has not been satisfied.

Construction phase. The period beginning with grading, excavation, site preparation, utility work, or building construction and ending when the facility or applicable phase receives a certificate of occupancy or other authorization to commence operations.

Data center facility. A building or group of buildings used primarily to house computer servers and associated electronic equipment for the storage, processing, or transmission of digital data, together with accessory cooling, electrical, fire-protection, security, and support systems.

Data center facility, hyperscale. A data center facility with a designed or contracted electrical demand of 100 megawatts or more at full build-out.

Data center facility, large. A data center facility with a designed or contracted electrical demand of 50 megawatts or more, or a gross floor area of 100,000 square feet or more, that is not a hyperscale data center facility.

Data center facility, small. A data center facility that is neither a large nor a hyperscale data center facility.

Decommissioning. The cessation of facility operations, removal of equipment and structures, stabilization of the site, and restoration of the site as required by this Chapter and the approved decommissioning plan.

Demand response. A program or operating commitment under which a data center facility temporarily reduces electrical demand from the regional grid, shifts demand to on-site generation or storage, or otherwise modifies operations in response to grid conditions or utility direction.

Emergency operation. The use of backup generation or emergency systems during a utility outage, grid emergency, equipment failure, emergency response event, or other actual emergency condition, excluding routine testing.

Energy storage system. One or more devices, including battery energy storage systems and long-duration energy storage systems, used to store electrical energy for later use.

Energy-delivery meter. A revenue-grade meter, service meter, point-of-delivery meter, or other metering point used by an energy supplier, utility, or the Utah State Tax Commission to identify the location or quantity of energy delivered to a high-impact consumer.

Facility operator. The person or entity responsible for operating, maintaining, monitoring, and reporting on a data center facility after approval.

High-impact consumer. An end-user of energy that meets the definition of a high-impact consumer under the County Energy Excise Tax Act, Title 59, Chapter 35, Utah Code Annotated 1953, as amended, and as applied under the Tooele County Energy Excise Tax Ordinance.

Incentive. For purposes of the state restrictions applicable to large load data centers, a payment of public funds funded by tax increment or personal property tax revenue that meets the definition in Section 11-41-201, Utah Code, as amended. The term does not include a sales and use tax exemption that state law excludes from the definition.

Islanded operation. Operation of a microgrid disconnected from the regional electrical grid and supplied entirely by on-site or nearby generation and storage.

Land Use Authority. The person or body designated by this Chapter to review and decide a land use application under this Chapter.

Large load customer. An electrical customer that meets the definition of a large load customer under Section 54-26-101, Utah Code, as amended, or any successor provision.

Large load data center. A large load customer that is also a qualifying data center, as provided in Section 11-41-201, Utah Code, as amended.

Leq (equivalent continuous sound level). The constant sound level that, over a stated measurement period, contains the same total sound energy as the actual fluctuating sound measured over that period.

Long-duration energy storage system, or LDES. An energy storage system designed to discharge stored electrical energy for at least eight continuous hours and that does not rely primarily on lithium-ion electrochemical cells, including but not limited to electrostatic, mechanical, thermal, gravity-based, and flow-battery storage technologies.

Microgrid. A locally controlled electrical system comprising one or more major power consumers, one or more on-site or nearby baseload generation sources, optional backup generation or energy storage, optional interconnection to the regional electrical grid, and a control system that determines how and when the system interacts with the regional grid, including operation in islanded mode.

Nighttime hours. The period from 10:00 p.m. to 7:00 a.m., local time.

Noise-sensitive receptor. A dwelling, school, place of worship, hospital, residential care facility, campground, public park, or other existing or approved use where quiet is reasonably expected.

Open-loop or evaporative cooling system. A cooling system that relies on the evaporation of water to reject heat and that consumptively uses water.

Operations phase. The period after a facility or phase has received a certificate of occupancy or other authorization to commence data center operations.

Public information summary. A plain-language summary of the proposed facility, impacts, mitigation, public process, and applicant commitments that excludes protected records and is suitable for posting on the County website.

Qualifying data center. A data center that meets the definition of a qualifying data center under Section 59-12-102, Utah Code, as amended, for purposes of the state sales and use tax exemption.

Regionally significant development zone, or RSDZ. A zone created under Title 63N, Chapter 3a, Part 2, Utah Code, as amended, and managed under Title 17C, Chapter 6, Utah Code, as amended.

Routine generator testing. Scheduled testing, maintenance, exercising, commissioning, or similar operation of backup generators that is not emergency operation.

RSDZ implementing documents. The approved or modified RSDZ proposal, terms established by the applicable increment-financing committee, and any zone governing document, entitlement agreement, development agreement, participation agreement, interlocal agreement, or other agreement required or authorized to implement the RSDZ under Title 63N, Chapter 3a, and Title 17C, Chapter 6, Utah Code Annotated 1953, as amended.

RSDZ Overlay. The Regionally Significant Development Zone Overlay established by the Tooele County Land Use Ordinance to pre-position land use entitlements for areas that may be proposed as, or have been approved as, a regionally significant development zone, as provided in the Regionally Significant Development Zone Overlay chapter of the Tooele County Land Use Ordinance.

Sending property. The parcel or parcels on which a data center facility is located. The sending property line is the boundary of the sending property from which noise and other effects are measured unless another measurement location is expressly required by this Chapter or a condition of approval.

Substantial modification. A change or series of changes, measured cumulatively from the original approval or the most recent approval processed as a substantial modification, that: increases approved electrical demand by more than 10 percent; increases approved annual or peak-day water use by more than 10 percent; increases gross floor area by more than 10 percent; changes the approved cooling-system type; adds or materially expands co-located power generation, a microgrid, or an energy storage system; changes fuel type or the approved operating profile of a generation source; changes an energy-delivery meter, point of delivery, energy supplier, or tenant configuration in a manner that materially affects infrastructure, emergency response, or fiscal analysis; changes approved access routes in a manner that materially affects public roads; or materially changes the facility's noise, emissions, lighting, traffic, water, wastewater, emergency response, visual, fiscal, or infrastructure impacts.

34-4. Permitted Locations; Conditional Use Permit Required; Review Matrix.

(1) Zoning districts. A data center facility may be established only in the Manufacturing General (M-G) zoning district; within an area to which the Regionally Significant Development Zone (RSDZ) Overlay has been applied, where the zoning map specifically designates large load customer facilities, qualifying data centers, and supporting energy and utility facilities under the RSDZ Overlay chapter; or in another zoning district that expressly allows data center facilities by ordinance.

(2) Conditional use permit required. No data center facility, no co-located power generation facility, and no microgrid serving a data center facility may be established, expanded, or substantially modified as a use permitted by right. Each facility requires a conditional use permit reviewed and decided under this Chapter.

(3) Co-located power generation and microgrids. Co-located power generation and microgrid components are not accessory uses exempt from this Chapter. They shall be reviewed as part of the data center facility conditional use permit or as a substantial modification of an approved permit.

(4) Substations and transmission infrastructure. To the extent within the County's land use jurisdiction and within the applicant's ownership or control, substations, transmission lines, switchyards, battery storage systems, long-duration storage systems, and related electrical infrastructure primarily serving a data center facility shall be disclosed and reviewed as part of the application. Such infrastructure shall not be segregated from the application to avoid compliance with the standards of this Chapter.

(5) Site plan and subdivision compliance. Approval under this Chapter does not eliminate site plan, subdivision, road dedication, access, grading, drainage, building permit, fire code, or other applicable review requirements.

(6) Coordination within the RSDZ Overlay. Where a data center facility is proposed within an area to which the RSDZ Overlay has been applied:

(a) the development standards, operational performance standards, submittal requirements, monitoring, enforcement, and decommissioning requirements of this Chapter apply in addition to the RSDZ Overlay chapter;

(b) if an RSDZ has been approved, County review shall be coordinated with the community reinvestment agency and shall consider the approved RSDZ proposal, committee-established terms, and applicable RSDZ implementing documents;

(c) the County retains its land use authority, and creation or approval of an RSDZ does not itself approve a land use application, amend this Chapter, waive a development standard, or create a vested right to a data center facility;

(d) the approved RSDZ proposal, committee-established terms, and RSDZ implementing documents govern RSDZ financing, revenue participation, and contractual commitments; this Chapter and other duly adopted land use regulations govern land use review unless a valid development or entitlement agreement lawfully provides otherwise; and

(e) a conflict or ambiguity shall be resolved in a manner consistent with state law, after consultation with the County Attorney.

Review and Decision Matrix

Facility Type	Land Use Authority	Planning Commission Role	Public Hearing	Final Action
Small data center facility	Planning Commission	Reviews and decides as Land Use Authority	As required for CUPs or as determined by County ordinance	Approve, approve with conditions, or deny
Large data center facility	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny
Hyperscale data center facility	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny
Any data center with co-located power generation or a microgrid	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny
Any data center within the RSDZ Overlay	Planning Commission	Reviews and decides as Land Use Authority; coordinates with the community reinvestment agency and applicable RSDZ implementing documents if an RSDZ has been approved	Required before final decision	Approve, approve with conditions, or deny
Substantial modification	Same Land Use Authority as original approval unless classified as minor under Section 34-13	As applicable	As applicable	Approve, approve with conditions, or deny

34-5. Pre-Application Review; Application and Submittal Requirements.

(1) **Pre-application conference.** A pre-application conference is required before submittal of an application for a large or hyperscale data center facility, any data center facility that includes co-located power generation, and any data center facility that includes a microgrid. The Community Development Department may require a pre-application conference for a small data center facility when site conditions, infrastructure needs, or potential impacts warrant early coordination.

(2) **Purpose of pre-application conference.** The pre-application conference is intended to identify applicable standards, required studies, reviewing agencies, public process expectations, utility and infrastructure issues, emergency response concerns, public information needs, and any potential need for a development agreement, improvement agreement, reimbursement agreement, participation agreement, or other legally authorized implementation mechanism.

(3) **Complete application required.** In addition to the objective submittal requirements that generally apply to a conditional use permit, an application shall include the materials described in this Section and the County's published checklist. The County may waive a specific item only in writing, with stated reasons, and only when the item is objectively inapplicable to the proposed facility or phase. A completeness deficiency notice shall identify the specific required item and the additional information needed. Studies shall be prepared by professionals qualified by education, licensure, certification, or demonstrated experience appropriate to the subject matter.

(4) **Independent review.** The County may obtain independent review of a technical study submitted under this Chapter when the scope or complexity of the application requires specialized expertise. Review costs charged to the applicant shall be limited to the County's actual, reasonable cost, imposed under an adopted fee schedule or written reimbursement agreement, and administered as provided in Section 34-14. Independent review may address water, wastewater, traffic, noise, air quality, fiscal impact, fire protection, emergency response, utilities, environmental resources, geotechnical conditions, stormwater, lighting, energy storage, microgrids, or decommissioning. For a large data center facility, a hyperscale data center facility, and any data center facility that includes co-located power generation or a microgrid, the County shall obtain independent technical review of the water supply and use study and the electrical power and infrastructure plan, and may obtain independent review of any other study. A person performing independent review shall be professionally qualified and shall have no financial, employment, or contractual interest in the applicant, the proposed facility, or its approval. The independent reviewer's written findings shall be a public record and shall be published with the staff report under Section 34-9, subject to the Government Records Access and Management Act.

(5) **Phased applications.** A phased project shall disclose the impacts of each phase and the impacts at full build-out. The Land Use Authority may condition approval of later phases on updated studies, completion of infrastructure, monitoring results, or additional review if the impacts materially differ from those in the approved application.

34-5-1. Project Description and Disclosure Statement

The application shall include:

- (1) the applicant, property owner, facility operator if known, and ownership of the proposed facility;
- (2) the anticipated end users or tenants of the facility, to the extent known and subject to GRAMA-protected records procedures;
- (3) the identity of the ultimate parent entity and any beneficial owner of the applicant, and any anchor tenant or principal end user whose identity is known at the time of application; this information shall be provided at intake, the public information summary shall be updated if any such identity is first disclosed after intake, and an applicant may not withdraw and refile an application for the purpose of delaying or avoiding disclosure required by this Chapter, subject to GRAMA-protected records procedures;
- (4) the facility type and tier and whether co-located power generation or a microgrid is proposed;
- (5) total site area, parcel numbers, building footprint, building height, gross floor area, impervious area, and proposed phasing;
- (6) construction schedule, anticipated operations date, and full build-out schedule;
- (7) total estimated capital investment;
- (8) estimated taxable value after each phase and at full build-out; and

(9) a plain-language public information summary suitable for public posting. The public information summary shall state, in plain language: the type of water supply to be used for cooling, identified as culinary or potable water or as reclaimed or other non-potable water, together with the projected annual water use; and the projected effect, if any, on existing residents' electric service reliability and on costs borne by existing utility customers, to the extent within the County's authority to require disclosure.

34-5-2. Site Plan and Development Plan

The application shall include:

- (1) a dimensioned site plan showing buildings, equipment yards, substations, transmission facilities, energy storage systems, microgrid components, access points, emergency access, parking, loading, fencing, security features, lighting, landscaping, screening, drainage facilities, utilities, easements, setbacks, and phasing;
- (2) grading, drainage, stormwater, erosion control, dust control, and construction management plans;
- (3) architectural elevations and renderings showing building mass, materials, articulation, rooftop equipment, screening, and visibility from public rights-of-way and nearby properties; and
- (4) a description of how the facility will comply with all applicable County engineering, road, stormwater, fire, building, and development standards.

34-5-3. Water Supply and Use Study

The application shall include:

- (1) projected average, peak-day, peak-month, and annual water use stated in gallons per day, acre-feet per year, and gallons per megawatt-hour where reasonably calculable;
- (2) the cooling system type and the basis for projected water use;
- (3) the identity and location of each water source to be used;
- (4) evidence of water rights adequate to serve the facility, a written will-serve commitment from the water provider, or another legally sufficient water supply plan;
- (5) a water conservation plan, including reuse, non-potable water, reclaimed water, dry cooling, closed-loop cooling, or other conservation measures considered;
- (6) projected volume and quality of wastewater generated; and
- (7) the proposed method of wastewater treatment and disposal, with written confirmation from the receiving treatment provider or reviewing agency that adequate capacity exists or will be provided before operation.

34-5-4. Electrical Power and Infrastructure Plan

The application shall include:

- (1) projected peak and average electrical demand stated in megawatts by phase and at full build-out;
- (2) whether the electrical grid, on-site generation, co-located generation, a microgrid, energy storage, or a combination will supply power;
- (3) a written statement from the serving electrical utility identifying, to the extent available, the maximum power to be delivered, planned method of delivery, transmission-line routing, voltage, substations, switchyards, capacity constraints, and anticipated service schedule;
- (4) the location and design of substations, switchyards, transmission infrastructure, energy storage systems, microgrid components, and utility corridors on or serving the site;
- (5) the location of each existing or proposed energy-delivery meter and point of delivery; the identity of the energy supplier or utility serving each meter; whether buildings, phases, tenants, co-located generation, or behind-the-meter resources will use separate meters; and any anticipated change in meter

location, ownership, or configuration during phasing, including information sufficient to identify the meter location for purposes of the Tooele County Energy Excise Tax Ordinance;

(6) a description of how the cost of new generation, transmission, distribution, substations, switchyards, and road-crossing infrastructure will be allocated, stated in dollar terms to the extent reasonably calculable, including whether any cost is proposed to be borne by existing utility customers or a public entity and the estimated magnitude of that exposure;

(7) known reliability, redundancy, emergency-operation, demand-response, curtailment, or grid-support commitments;

(8) a copy or public summary of any written will-serve commitment, electric-service agreement, capacity reservation, interconnection study, or similar utility communication in the applicant's possession, including planning and execution lead time and conditions on power delivery, subject to the protected-records procedures in section 34-5-15;

(9) identification of any take-or-pay tariff, minimum-capacity payment, capacity-reservation charge, or similar commitment offered, accepted, or under negotiation, including the stated percentage of contracted capacity and duration, to the extent the information is available to the applicant;

(10) an analysis of potential stranded infrastructure costs if projected demand is not realized, including proposed mitigation through phased construction, security, capacity commitments, or other measures;

(11) for an energy storage system, the technology type, chemistry or working medium, rated power and energy capacity, discharge duration, design service life, fire and thermal-runaway risk profile, applicable listing and testing certifications, manufacturer-recommended separation distances, and proposed fire-suppression, monitoring, and emergency-response measures;

(12) for a facility that meets or may meet the definition of a large load customer, a copy or public summary of any large-load-customer service agreement, special tariff, capacity reservation, or similar arrangement in the applicant's possession, including the categories of cost recovery, capacity payment, take-or-pay, and risk allocation and the agreement duration, subject to section 34-5-15; and

(13) identification of whether the facility is expected to be a high-impact consumer or large load data center and the factual basis for the applicant's preliminary classification, for planning and coordination purposes only and without representing that the County, the Utah State Tax Commission, a utility, or any other entity has made a tax, utility, exemption, or incentive determination.

34-5-5. Air Quality and Emissions Analysis

The application shall include:

(1) all sources of air emissions associated with the facility, including backup generators, routine generator testing, emergency operations, baseload generation sources, and co-located power generation;

(2) the type, number, capacity, fuel source, emissions rating, and control technology for all backup generators and generation units;

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

(4) copies of applications for, and approvals of, permits from the Utah Division of Air Quality and any other agency with jurisdiction, as available;

(5) the anticipated frequency, duration, hours, and coordination procedures for routine generator testing; and for any baseload generation source, the anticipated operating profile, including continuous (24 hours per day, every day of the year) operating assumptions where applicable;

(6) for any proposed natural gas turbine, reciprocating engine, or other combustion source proposed to operate as a baseload generation source, identification of the emissions control technology proposed,

including selective catalytic reduction or equivalent controls; the expected percentage reduction in NO_x and CO; the effect of the proposed controls on PM_{2.5} emissions, including any potential increase in PM_{2.5} from the use of ammonia-based selective catalytic reduction at varying engine loads; and the expected CO₂ emissions, which are not reduced by selective catalytic reduction and which may only be reduced through carbon capture and storage or fuel substitution; and

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

34-5-6. Noise Study

The application shall include, prepared by a qualified acoustical professional, a study that:

- (1) documents existing ambient sound levels at the sending property line and nearest noise-sensitive receptors, measured before construction in both dBA and dBC scales;
- (2) projects operational sound levels at the same locations, including nighttime levels, in both dBA and dBC, and including continuous (24 hours per day, every day of the year) operating assumptions for any baseload generation source or microgrid;
- (3) identifies tonal, low-frequency, narrowband, impulsive, or other distinctive noise components;
- (4) documents construction noise impacts and mitigation;
- (5) proposes noise mitigation measures, including equipment selection, siting, walls, enclosures, silencers, baffling, berms, operating limits, or other measures; and
- (6) proposes a post-construction noise verification protocol.

34-5-7. Exterior Lighting Plan

The application shall include:

- (1) a photometric exterior lighting plan showing fixture types, mounting heights, shielding, direction, controls, and projected light levels at property lines;
- (2) demonstration of compliance with this Chapter and any applicable County outdoor lighting or dark-sky standards;
- (3) a description of nighttime lighting reduction, motion controls, security lighting, and emergency lighting; and
- (4) a glare analysis where lighting may affect residential areas, public roads, agricultural operations, or sensitive lands.

34-5-8. Traffic and Transportation Study

The application shall include:

- (1) projected construction-phase and operational traffic, including employee, contractor, heavy-truck, oversize-load, fuel-delivery, equipment-delivery, and service traffic;
- (2) proposed haul routes, access points, intersections, road segments, and construction staging areas;
- (3) road and intersection improvements needed to accommodate the facility;
- (4) rail access or rail crossing impacts, if applicable;
- (5) a traffic control and safety plan for construction; and
- (6) a description of how road improvements and ongoing maintenance attributable to the facility will be funded.

34-5-9. Fire Protection, Hazardous Materials, and Emergency Response Plan

The application shall include:

- (1) fire-detection and fire-suppression systems for buildings, electrical rooms, battery energy storage systems, long-duration energy storage systems, fuel storage, and generation facilities;
- (2) a hazardous-materials inventory, including fuel, coolant, battery materials, fire-suppression agents, cleaning agents, and other regulated materials;
- (3) an emergency response plan addressing fire, explosion, hazardous-materials release, battery thermal runaway, fuel release, severe weather, seismic events, cyber-related operational disruption where relevant to physical response, and related events;
- (4) written evidence that the plan has been reviewed by the fire agency with jurisdiction and by Tooele County Emergency Services;
- (5) identification of additional fire-service capacity, apparatus, equipment, training, inspection, communications, water supply, access, or mutual-aid needs attributable to the facility and how those needs will be funded; and
- (6) a process for periodic emergency drills or tabletop exercises if required by the Land Use Authority or fire agency with jurisdiction.

34-5-10. Economic and Fiscal Impact Analysis

The application shall include:

- (1) projected permanent operations employment stated separately from construction employment, including wage ranges and job classifications where available;
- (2) projected construction employment and anticipated duration;
- (3) commitments regarding local hiring, apprenticeship, workforce training, vendor opportunities, or coordination with Tooele Technical College, local school districts, or other workforce partners, if any;
- (4) all incentives, tax abatements, tax-increment participation, rebates, grants, discounted utility service, public infrastructure assistance, energy-excise-tax revenue sharing, RSDZ revenue, or other public financial participation requested or anticipated, identifying the proposed provider, source of funds, amount, duration, legal authority, and required separate approvals;
- (5) a net fiscal impact analysis identifying projected public revenues and projected public capital and operating costs attributable to the facility over not less than 10 years, with assumptions and sensitivity ranges;
- (6) identification of impacts on County services, special districts, school districts, utility providers, transportation agencies, or other public entities and the proposed method for addressing costs attributable to the facility;
- (7) identification of whether the facility meets, or is expected to meet, the definitions of qualifying data center, large load customer, large load data center, and high-impact consumer, together with the factual basis for each preliminary classification;
- (8) the estimated value of any state or local sales and use tax exemption claimed or anticipated for the facility, stated over not less than 10 years and identifying the assumptions used;
- (9) if a county energy excise tax applies or may apply, the projected annual delivered value of energy and a schedule showing the assumed tax rate, gross tax collections, amounts required by state law to be deposited in or retained by a state account, amounts projected to be distributed to the County, amounts proposed to be dedicated or transferred to an RSDZ or provided as an incentive, and net revenue projected to remain available to the County, stated over not less than 10 years;
- (10) a comparison of requested or anticipated public financial participation against projected property tax, county energy excise tax, and other public revenue and against projected public costs, presented so the County and public may evaluate net fiscal impact; and
- (11) a statement acknowledging that all tax classifications, exemption estimates, delivered-value estimates, RSDZ assumptions, and incentive assumptions are preliminary planning information and are subject to separate determinations and approvals under applicable law.

34-5-11. Environmental, Natural Resources, and Sensitive Lands Assessment

The application shall include:

- (1) existing site conditions, including topography, drainage, floodplain, wetlands if any, wildfire interface, geologic hazards, seismic constraints, soils, vegetation, and sensitive lands;
- (2) surveys or desktop analysis for sensitive wildlife, habitat, wildlife corridors, raptors, migratory birds, and other applicable natural resources;
- (3) projected impacts and proposed mitigation;
- (4) copies of federal or state environmental review documents prepared for the facility, if any; and
- (5) identification of any permits or approvals required from state or federal agencies.

34-5-12. Decommissioning and Site Restoration Plan

The application shall include:

- (1) the decommissioning and site restoration plan required by Section 34-11;
- (2) a decommissioning cost estimate prepared by a qualified professional acceptable to the County;
- (3) the proposed form of financial assurance; and
- (4) a schedule for decommissioning after abandonment, closure, or revocation.

34-5-13. Community Engagement and Public Information Plan

The application shall include:

- (1) a description of applicant outreach to adjacent property owners, affected residents, service providers, municipalities, special districts, and the public;
- (2) any public information meetings held or proposed by the applicant;
- (3) a proposed method for providing project information, application summaries, updates, and responses to common questions;
- (4) a process for receiving, tracking, responding to, and reporting public comments and complaints;
- (5) a method for notifying neighbors of operational changes, expansions, substantial modifications, construction impacts, emergencies, or incidents; and
- (6) a plan for maintaining a publicly available facility contact during construction and operation.

34-5-14. Co-Located Power Generation and Microgrid Supplement

The application shall include:

- (1) if co-located power generation or a microgrid is proposed, the applicant shall submit the additional information required by Section 34-8.

34-5-15. Protected Records and Public Version

The application shall include:

- (1) the applicant shall identify any record or portion of a record for which the applicant asserts protected status under GRAMA and shall provide a written basis for the claim;
- (2) the applicant shall provide a public version or public summary of the application sufficient to allow meaningful public review of the facility's location, scale, water use, power demand, infrastructure needs, reasonably anticipated impacts, mitigation measures, public costs, and requested approvals; and
- (3) the County shall classify and respond to records requests in accordance with GRAMA and County records policies.

34-5-16. RSDZ, Tax, and Incentive Coordination Supplement

If the application is within the RSDZ Overlay, is within a proposed or approved RSDZ, or includes a request for an incentive or public revenue participation, the application shall include:

- (1) the status and boundaries of the RSDZ or proposed RSDZ and the identity of the creating entity and community reinvestment agency;
- (2) the approved or proposed RSDZ proposal, committee-established terms, and RSDZ implementing documents applicable to the site, to the extent available and subject to GRAMA;
- (3) the amount, source, duration, and proposed use of any requested tax increment, personal property tax revenue, county energy excise tax revenue, zone revenue, infrastructure participation, rebate, or other incentive;
- (4) an explanation of how each requested incentive or revenue commitment is authorized under Title 11, Chapter 41, Part 2; Title 63N, Chapter 3a; Title 17C, Chapter 6; or other applicable law, recognizing that land use approval does not approve the incentive or revenue commitment.

34-6. Development Standards.

(1) Setbacks. A data center facility building, co-located power generation facility, energy storage system, substation, switchyard, or similar high-impact support facility shall be set back not less than 500 feet from the property line of a residentially zoned or residentially used parcel and not less than 100 feet from any other property line or public right-of-way. A hyperscale data center facility, or a facility that includes co-located power generation or a microgrid, shall be set back not less than 1,000 feet from the property line of a residentially zoned or residentially used parcel. Setbacks are measured from the exterior wall or equipment perimeter of the regulated building or facility to the applicable property line. Security fencing, landscaping, stormwater facilities, access drives, and underground utilities may be located within a setback if otherwise permitted and if they do not defeat the purpose of the setback.

(2) Height. No building or structure shall exceed 60 feet in height unless a different maximum height is allowed in the underlying zone and the Land Use Authority finds that increased height will not create an unmitigated visual, lighting, emergency access, fire protection, or compatibility impact. Incidental rooftop equipment may exceed the height limit only as allowed by the Land Use Code and shall be screened in accordance with this Chapter.

(3) Site coverage and impervious area. The facility shall comply with the maximum lot coverage, and impervious area standards of the underlying zoning district. If the underlying district does not establish a numerical standard, site coverage shall be limited by compliance with adopted stormwater, drainage, fire-access, emergency-circulation, landscaping, screening, and setback requirements. The applicant shall demonstrate, through the approved drainage and site plans, that the impervious area will not create an unmitigated off-site drainage or flood impact.

(4) Screening and landscaping. The perimeter of the site shall be screened from existing or planned public rights-of-way and adjacent residential, agricultural, recreational, and sensitive land uses by a combination of drought-tolerant landscaping, preserved vegetation, earthen berms, walls, fencing, and architectural treatments. At installation or at the stated maturity date in the approved landscape plan, screening shall obscure direct ground-level view of generators, transformers, substations, switchyards, energy storage units, mechanical yards, loading areas, and refuse areas from the identified viewing locations, except at required access and ventilation openings. The approved landscape plan shall state the installation height, expected mature height, spacing, irrigation method, replacement standard, and maintenance responsibility for plant materials.

(5) Building design; principal façade standards. Exterior building facades shall reduce the appearance of large, uninterrupted blank walls. This Subsection applies to each principal façade, meaning a façade that faces an existing or planned public right-of-way; an adjacent parcel that is residentially zoned, residentially used, or approved for residential development; or an adjacent parcel containing an existing or approved school, day care, park, recreational facility, religious assembly, cemetery, community

center, civic use, or agritourism use. A principal façade visible from an adopted scenic corridor or gateway shall comply with the same standards. (Refer to Figure 34-6-1.)

(a) Differentiated surfaces. Each principal façade shall incorporate, at horizontal intervals no less frequent than every 150 horizontal linear feet or three times the average height of the building, whichever interval is shorter: (i) fenestration or an approved green-wall treatment; and (ii) a change in at least one of the following design elements: building material, pattern, texture, color, or accent materials.

(b) Fenestration and fenestration-like treatments. Fenestration or fenestration-like architectural treatments shall comprise not less than 30 percent of the total surface area of each principal façade. Qualifying treatments include glazing, translucent panels, framed recessed panels, louvers, articulated equipment screens, or other façade elements that create the appearance, depth, and rhythm of window openings. Treatments shall be provided in separated placements or clustered bays, no one of which may count toward more than 7.5 percent of the total façade area; shall be distributed horizontally and vertically; and shall be compatible with the façade design and materials.

(c) Green-wall alternative. A green-wall treatment may substitute for up to one-half of the required fenestration or fenestration-like coverage only if the applicant submits a water budget, species list, irrigation and drainage plan, replacement standard, and long-term maintenance plan demonstrating suitability for the Tooele County climate. Drip irrigation and drought-tolerant species are required, and reclaimed or other non-potable water shall be used where lawfully available and technically feasible. Failure to maintain the green wall requires replacement with a compliant architectural treatment or restored vegetation.

(d) Main entrance feature. Each data center building shall include at least one main entrance feature that projects or recesses from the main building plane, or is differentiated from the remainder of the façade by a change in building material. The main entrance feature shall incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, drought-tolerant ornamental grasses, or herbaceous perennials along not less than 50 percent of the length of the entrance façade or, in the alternative, required buffer and parking-area landscaping elsewhere on the site shall be provided at a rate of 20 percent more plant units than otherwise required.

(e) Mechanical equipment façade alternative. Where principal-façade standards apply to two opposing sides of a building, one façade facing an existing or planned public right-of-way may be designed as a mechanical-equipment façade if the equipment is screened from ground-level view from public rights-of-way and adjoining parcels using mesh, lattice, cladding, grillwork, or similar materials that permit required ventilation, and the façade and screening comply with the differentiated-surface intervals in paragraph (a).

(f) Consistent design. Where a building has more than one principal façade, the principal façades shall be consistent in design, materials, details, and treatment.

Figure 34-6-1. Data Center Building Design and Site Design Standards (Illustrative)

Illustrative only; ordinance text controls. Adapted from the facade and site design framework of Loudoun County, Va. Zoning Ordinance § 4.06.02 and Figure 4.06.02-1.

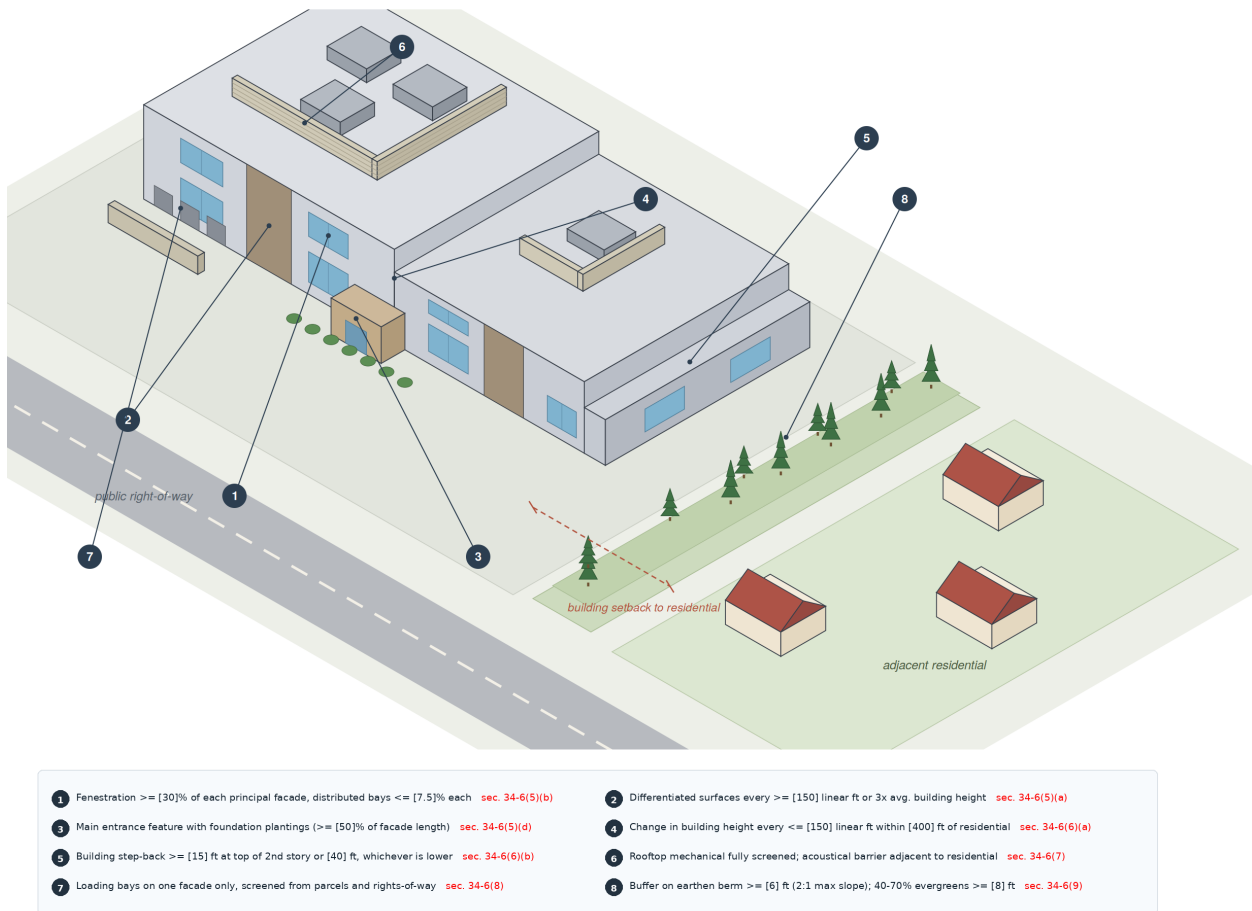


Figure 34-6-1. Illustrative depiction of building design and site design standards under Subsections 34-6(5) through 34-6(9). In the event of any conflict between this figure and the text of this Chapter, the text controls.

(6) Building massing adjacent to residential. Where any portion of a data center building is located within 400 feet of the property line of a residentially zoned or residentially used parcel, or a parcel approved for residential development, including where a public road separates the parcels, each building façade facing the residential parcel shall: (a) include a change in building height at horizontal intervals no less frequent than every 150 horizontal linear feet or three times the average height of the building, whichever interval is shorter; and (b) provide a step-back of not less than 15 feet from the plane of the building wall, beginning at the top of the second story of the building or at 40 feet in height, whichever is lower. (Refer to Figure 34-6-1.)

(7) Mechanical equipment location and screening. All ground-level and rooftop mechanical equipment shall be shown on the site plan and screened on all sides by materials compatible with the nearest principal façade. Screening may use perforated or louvered surfaces only to the extent needed for ventilation. Ground-mounted mechanical equipment may not be located in a required front yard and, where adjacent to residentially zoned or residentially used property, shall be located behind a principal building or at the side of the building farthest from the residential property unless the site plan demonstrates equivalent distance and acoustic attenuation. Exterior mechanical equipment adjacent to residential property shall include an acoustical barrier designed by a qualified acoustical professional to

achieve the noise limits in Section 34-7. Screening from existing or planned public rights-of-way is required in all cases.

(8) Loading bays and refuse collection areas. Loading bays shall be located on only one façade of each building, shall not face a residentially zoned or residentially used parcel unless the Land Use Authority finds that no other location is feasible and enhanced screening is provided, and shall be screened from ground-level view from all adjacent parcels and existing or planned public rights-of-way. Refuse collection areas shall be fully screened on all sides by a permanent enclosure.

(9) Berms, buffer plantings, and parking setbacks adjacent to residential. Where the site is adjacent to a residentially zoned or residentially used parcel, or a parcel approved for residential development, including where separated by a public road, the following apply along the common or facing property line: (a) the perimeter buffer shall be located on an earthen berm not less than 6 feet in height with side slopes no steeper than 2:1, unless a certified sightline exhibit demonstrates that existing topography provides equal or greater screening; (b) buffer plantings shall consist of not less than 40 percent and not more than 70 percent evergreen trees not less than 8 feet in height at planting, not more than 30 percent large deciduous trees, not more than 30 percent small deciduous trees, and not more than 20 percent shrubs, drought-tolerant ornamental grasses, and perennials, using species suited to Tooele County climate and water conditions; (c) parking shall be set back not less than 50 feet from the property line and shall be screened from ground-level view by preserved vegetation, topography, or a professionally designed combination of berm, opaque fence or wall, and plantings shown on a certified sightline exhibit; (d) berms and fences shall be designed for drainage, erosion control, wind loading, fire access, and maintenance; and (e) preserved vegetation and topography may substitute where the Community Development Department determines from the submitted sightline exhibit that the substitution provides screening of equivalent density, depth, and height. (Refer to Figure 34-6-1.)

(10) Substations and transmission infrastructure. Substations, switchyards, transmission infrastructure, and utility corridors serving the facility shall be located on the site or on adjacent land included in the application to the extent practicable and within the applicant's ownership or control. Such facilities shall meet applicable setbacks, screening, fencing, access, safety, and emergency response requirements.

(11) Access and circulation. The site shall provide safe and adequate access for employees, contractors, deliveries, emergency responders, fire apparatus, maintenance vehicles, fuel delivery, oversize loads, and utility service vehicles. Access shall be designed to avoid unnecessary impacts on residential streets, school routes, agricultural operations, and local roads not designed for heavy industrial traffic.

(12) Stormwater, grading, and drainage. The facility shall comply with applicable County stormwater, grading, drainage, erosion control, and floodplain standards. The applicant shall demonstrate that runoff from roofs, parking areas, equipment yards, utility corridors, and impervious areas will be managed without creating adverse downstream impacts.

(13) Construction management. Before construction, the applicant shall submit a construction management plan addressing phasing, work hours, dust control, haul routes, staging areas, road protection, traffic control, noise, lighting, emergency access, worker parking, temporary utilities, public communication, and complaint response.

(14) Conditions tied to phases. The Land Use Authority may require infrastructure improvements, monitoring, mitigation, financial assurance, service agreements, or updated studies before a later phase may commence if the need for those measures is tied to the impacts of that phase.

34-7. Operational Performance Standards.

(1) Noise. A data center facility shall not produce sound exceeding 50 dBA Leq at the sending property line during any 15-minute measurement period or 45 dBA Leq at the nearest noise-sensitive receptor

during nighttime hours. Measurements shall be made under representative operating conditions with an integrating sound-level meter meeting the applicable ANSI performance standard, using documented weather conditions, microphone location, background-sound correction, and calibration. The approved noise study shall include both dBA and dBC measurements and one-third-octave-band analysis sufficient to identify tonal, low-frequency, narrow-band, or impulsive components. If a tonal or impulsive component is identified under an applicable ANSI method, a 5 dBA penalty shall be added to the measured level for compliance. If the measured dBC level exceeds the measured dBA level by 20 decibels or more at a noise-sensitive receptor, the operator shall implement the low-frequency mitigation measures identified in the approved noise study and demonstrate compliance through follow-up monitoring.

(2) Post-construction verification. Compliance with the approved noise limits shall be verified by the post-construction noise study required under Section 34-10. If post-construction monitoring identifies an exceedance or a distinctive noise component requiring mitigation, the operator shall implement corrective measures and submit follow-up verification within the timeframe specified by the County. For a facility that includes a baseload generation source or microgrid, the post-construction study shall verify compliance under continuous operating conditions.

(3) Exterior lighting. Exterior lighting shall use full-cutoff, shielded fixtures directed downward; shall be limited to the minimum level necessary for safety, security, and operations; and shall not cause illumination exceeding 0.1 foot-candle at a property line, measured at grade on a vertical plane, including security lighting. Lighting shall be reduced or curtailed during nighttime hours to the extent consistent with safety and security. Emergency lighting may exceed the limit only during an emergency or required testing. The photometric plan shall identify fixture output, mounting height, shielding, controls, and maximum property-line illumination.

(4) Water conservation. A closed-loop or air-cooling system is required unless the applicant demonstrates through a life-cycle water and energy analysis that an open-loop or evaporative system: (a) incorporates practicable reuse, reclaimed-water, non-potable-water, blowdown-recovery, and leak-detection measures; and (b) achieves the approved annual, peak-month, and peak-day water-use limits. Reclaimed or other non-potable water shall be used where lawfully available, technically feasible, and approved by the applicable provider and regulatory agency. Culinary or potable drinking water shall not be used for cooling at a data center facility except to the extent the applicant demonstrates that no reclaimed or other non-potable supply is lawfully available and technically feasible, in which case the Land Use Authority may approve the minimum potable use necessary, subject to the water-use limits and conservation measures of this Subsection.

(5) Drought-contingency water curtailment. The applicant shall submit, and the operator shall implement, a drought response plan that provides for staged reductions in the facility's consumptive water use when a drought stage is declared by the State of Utah, Tooele County, or the water provider serving the facility. The plan shall identify the operational measures available at each drought stage and the maximum reduction in consumptive water use achievable at each stage without compromising life-safety or fire-protection systems. The Land Use Authority may impose conditions of approval implementing the drought response plan, and the operator shall report drought-stage curtailment actions in the annual compliance report under Section 34-10.

(6) Air emissions and generators. All generators, turbines, engines, and other emission sources shall comply with applicable federal and state emission standards and permits. A backup generator shall use the highest emissions-control tier or certification applicable to the engine category and intended stationary use that is commercially available at the time of permit issuance, unless the Utah Division of Air Quality approves or requires a different configuration. A baseload combustion source shall use the control technology required by the applicable air-quality permit and any additional control supported by site-specific modeling and a County finding that the condition is within County authority and reasonably necessary to mitigate a land-use impact. Routine, non-emergency generator testing shall comply with the

approved testing plan and applicable air permit. On a site adjacent to residentially zoned or residentially used property, routine testing is allowed only from 7:00 a.m. to 5:00 p.m. from May 1 through September 30 and from 11:00 a.m. to 5:00 p.m. from October 1 through April 30. Except for commissioning and routine testing, backup generators may operate only during emergency operation. Continuous operation of a baseload generation source shall comply with the noise limits in Subsection 1 at all hours.

(7) Energy storage systems. Energy storage systems shall comply with the State Construction Code, State Fire Code, County-adopted fire code, and the editions of NFPA 855 or successor standards incorporated into those codes. Where applicable to the technology and installation, the applicant shall provide evidence of UL 9540 listing and UL 9540A or equivalent fire-propagation testing. The system shall comply with the manufacturer's requirements for separation distances, monitoring, ventilation, fire-suppression, emergency response, and decommissioning. The Land Use Authority may impose an increased separation distance or additional monitoring only when supported by the site-specific fire and hazard analysis and reasonably related to proximity to occupied buildings, public rights-of-way, or sensitive receptors. Non-lithium-ion and long-duration technologies shall comply with the adopted codes and nationally recognized standards applicable to the specific technology.

(8) Vibration. A data center facility shall not produce vibration at or beyond the sending property line that exceeds an applicable County standard. If no County numerical standard applies, the applicant's vibration study shall identify a nationally or internationally recognized standard appropriate to the receptor and equipment, establish the compliance threshold before approval, and demonstrate compliance after construction. Construction vibration shall be addressed in the construction management plan.

(9) Odor, dust, and visible emissions. The facility shall not create persistent odor, dust, smoke, or visible emissions beyond the property line except as allowed by applicable permit and law. Construction dust shall be controlled in accordance with the approved construction management and dust control plans.

(10) Hazardous materials. Hazardous materials, fuel, batteries, coolants, fire-suppression agents, and similar materials shall be stored, handled, reported, and disposed of in accordance with applicable law, fire code, hazardous materials requirements, and conditions of approval.

(11) Operational changes. The operator shall notify the County before implementing any operational change that may materially affect approved water use, power demand, emissions, generator testing, noise, traffic, emergency response, hazardous materials, lighting, or other regulated impacts. A substantial modification requires review under Section 34-13.

(12) Demand response and grid resilience. For a large or hyperscale data center facility, or a facility that includes co-located generation or a microgrid, the Land Use Authority may require implementation of demand-response, load-shifting, curtailment, or grid-emergency commitments that the applicant offers, required or approved by the serving utility, or included in an applicable tariff or service agreement, when the condition is technically feasible and reasonably related to a documented land-use, infrastructure, or emergency-response impact. The County shall not establish utility rates, service classifications, capacity charges, interconnection terms, dispatch requirements, or other matters reserved to the Public Service Commission, the serving utility, or another agency with jurisdiction.

34-8. Co-Located Power Generation and Microgrids.

(1) Applicability. This Section applies to any electrical generation facility developed on or adjacent to a data center site primarily to serve the data center facility, whether generation is dedicated to the facility, supports the electrical grid, or serves both purposes, and to any microgrid serving a data center facility, whether or not the microgrid is interconnected to the regional electrical grid.

(2) Additional submittal requirements. An application that includes co-located power generation or a microgrid shall identify the generation technology, fuel type, fuel source, design capacity, operating

profile, water demand, emissions profile, noise profile, safety systems, site layout, transmission interconnection, fuel delivery method, waste stream, if any, emergency response needs, permits required from state and federal agencies, and the status of each permit.

(3) Nuclear generation supplement. For nuclear generation, the application shall identify the status of licensing by the United States Nuclear Regulatory Commission, the applicable public docket or licensing process, the general technology type, site layout, emergency planning coordination, non-radiological land use impacts, transportation and access needs, infrastructure needs, and the agencies with jurisdiction. The application shall additionally identify:

(a) the reactor technology category (light-water small modular reactor, advanced non-light-water reactor including gas-cooled, liquid-metal-cooled, or molten-salt reactor, microreactor, or other), and the reactor vendor and design if known;

(b) the fuel type and enrichment level, including whether the design uses low-enriched uranium at no more than 5 percent enrichment or high-assay low-enriched uranium (HALEU) at enrichment up to 20 percent;

(c) the projected volume, classification, and physical form of spent nuclear fuel and other radioactive waste streams generated over the design operating life of the facility, and a comparison to the waste streams of traditional light-water reactors where applicable;

(d) the on-site spent-fuel and radioactive-waste storage plan, including the storage method (wet or dry cask), the footprint and location of the storage area on the site plan, the proposed duration of on-site storage, and the contingency plan if no federal repository or interim consolidated storage facility becomes available during the operating life of the facility;

(e) the transportation plan for fresh fuel deliveries and any spent-fuel shipments, including expected routes, frequency, vehicle types, and coordination with the Utah Department of Transportation, the Utah Highway Patrol, and Tooele County Roads and Emergency Services;

(f) documentation of coordination with the United States Nuclear Regulatory Commission, the Federal Emergency Management Agency, the Utah Division of Radiation Control or successor agency, and any local agencies designated in the facility's radiological emergency response plan; and

(g) identification of any host community benefit agreement, payment-in-lieu-of-taxes arrangement, or other lawful agreement proposed between the applicant and the County, the State, or any local taxing entity.

Nothing in this Subsection authorizes the County to regulate radiological safety, nuclear licensing, fuel enrichment, spent-fuel handling, or any matter reserved to the United States Nuclear Regulatory Commission or another federal or state agency with exclusive jurisdiction. The disclosures required by this Subsection are required to support the County's land use review, including site compatibility, local infrastructure, transportation, emergency response coordination, and host community impact.

(4) Application of standards. Co-located power generation and microgrid components are subject to all applicable development and operational standards of this Chapter, including setbacks, noise, lighting, traffic, emergency response, air emissions, hazardous materials, construction management, annual reporting, decommissioning, and financial assurance.

(5) Emergency planning. The applicant shall coordinate emergency planning for the generation facility or microgrid with the fire agency having jurisdiction, Tooele County Emergency Services, law enforcement, public works, the County Health Department where applicable, and any state or federal agency with jurisdiction. For nuclear generation, emergency planning coordination shall include agencies having jurisdiction over radiological emergency planning, while recognizing federal preemption and agency authority.

(6) Utility and public cost impacts. The application shall identify whether generation, transmission, substations, fuel delivery, emergency-response capacity, water supply, wastewater disposal, road improvements, or other infrastructure will require public participation, utility-customer funding, County or special-district service expansion, or intergovernmental coordination. The analysis shall distinguish matters governed by utility regulation from land-use impacts within County authority and shall identify how costs attributable to the facility will be addressed under applicable law.

(7) Microgrid review. Where the application includes a microgrid, each component of the microgrid — including each baseload generation source, each backup generation source, each energy storage system, each substation or switchyard, each fuel storage and delivery facility, and each emissions control system — shall be identified, located on the site plan, and individually evaluated against the applicable development standards of Section 34-6, operational performance standards of Section 34-7, submittal requirements of Section 34-5, and decommissioning requirements of Section 34-11. The combined and cumulative impacts of all microgrid components shall be evaluated together. A microgrid component shall not be reviewed as an accessory use exempt from this Chapter and shall not be segmented from the application.

(8) Islanded operation disclosure. The application shall identify whether the microgrid is designed to operate, or is capable of operating, in islanded mode; the conditions under which islanded operation is anticipated; and the duration the microgrid can sustain operation without grid interconnection. The Land Use Authority may impose conditions reasonably necessary to ensure that islanded operation does not increase noise, emissions, fuel storage, water use, or emergency response impacts beyond the limits approved under this Chapter.

(9) Separate utility and tax jurisdiction. Review under this Section does not authorize the County to regulate utility rates, electrical dispatch, interconnection terms, tax liability, delivered value, or matters reserved to the Public Service Commission, the Utah State Tax Commission, the Nuclear Regulatory Commission, or another agency with exclusive jurisdiction. The County may require information and impose conditions only to the extent reasonably related to land use, local infrastructure, access, non-radiological impacts, emergency coordination, and compliance with adopted County standards.

34-9. Notice, Public Hearing, Public Information, and Decision.

(1) Notice of complete application. After an application is determined to be complete, the County shall provide notice as required for a conditional use permit and as further required by this Chapter.

(2) Enhanced mailed notice. For a standard data center facility, mailed notice shall be given to property owners within 1,000 feet. For a large data center facility, mailed notice shall be given to property owners within 2,500 feet of the site. For a hyperscale data center facility that includes co-located power generation or a microgrid, mailed notice shall be given to property owners within .05 mile of the site. The Community Development Director may extend the notice area only when a submitted technical study identifies a reasonably anticipated off-site impact that extends beyond the standard radius, and the written notice decision shall identify the study and impact that support the extension.

(3) Additional notice methods. For a large or hyperscale data center facility, any facility with co-located power generation, or any facility with a microgrid, the County shall also provide notice by posting on the County website, posting on the Utah Public Notice Website when required by law, posting on or near the subject property where practicable, and notice to affected municipalities, school districts, special districts, water providers, sewer providers, fire authorities, transportation agencies, utility providers, and other reviewing agencies identified by the County.

(4) Public information materials. For a large or hyperscale data center facility, any facility with co-located power generation, or any facility with a microgrid, the County shall make available a public information summary, staff report, hearing materials, application materials not classified as protected, written comments, and the written decision, subject to GRAMA and County records policies.

(5) Applicant public information meeting. Before the public hearing on a large or hyperscale data center facility, a facility with co-located power generation, or a facility with a microgrid, the applicant shall hold at least one public information meeting. The meeting is informational and does not replace a public hearing required by this Chapter or other law. The applicant shall provide notice and a written meeting summary in the manner specified by the Community Development Department.

(6) Public hearing. At least one public hearing shall be held before final action on a large or hyperscale data center facility, any data center facility that includes co-located power generation, or any data center facility that includes a microgrid. Members of the public may speak and submit written comments. Public comments shall be included in the record, but the Land Use Authority shall base its decision on adopted standards and substantial evidence.

(7) Response to public comments. For a large or hyperscale data center facility, a facility with co-located power generation, or a facility with a microgrid, the Community Development Department shall prepare a written summary of the substantive public comments received and the County's response to each category of comment. The summary shall be included in the record and published with the staff report before the Land Use Authority takes final action. This requirement is informational and does not alter the standard of decision, which remains based on adopted standards and substantial evidence.

(8) Written staff report. The Community Development Department shall prepare a written staff report addressing application completeness, applicable standards, reviewing agency comments, public comments, technical review, recommended findings, recommended conditions, and any unresolved issues.

(9) Public information and protected records. Applications, public summaries, staff reports, hearing materials, written decisions, and information material to the County's land use decision are public records unless classified otherwise under the Utah Government Records Access and Management Act. The County shall not enter into any agreement that conceals the existence of an application, the identity of the applicant or property owner, the general nature of the proposed use, or information necessary for the Land Use Authority to make required findings. An applicant may submit a written GRAMA confidentiality claim for specific records or portions of records the applicant believes are protected by law. The applicant shall also provide a public, non-confidential summary sufficient to allow meaningful public review of the application and its impacts.

(10) Findings for approval. The Land Use Authority shall approve or approve with conditions a data center facility if it finds, based on substantial evidence in the record, that the application satisfies the findings in Subsection 11 of this Section.

(11) Required findings. The Land Use Authority shall make written findings addressing each of the following:

(a) the application is complete, and the proposed use is allowed in the applicable zoning district under this Chapter;

(b) the proposed facility complies with the development standards, operational performance standards, and submittal requirements of this Chapter, or compliance can be assured through reasonable conditions of approval;

(c) the applicant has demonstrated an adequate and legally available water supply, wastewater method, electrical service plan, road access, fire protection, and emergency response plan for the facility, or has agreed to conditions requiring such facilities before construction or operation;

(d) reasonably anticipated detrimental effects relating to noise, light, traffic, air emissions, vibration, visual impacts, water demand, wastewater, emergency services, public infrastructure, hazardous materials, and construction impacts can be substantially mitigated through compliance with this Chapter and reasonable conditions of approval;

(e) required infrastructure improvements, service impacts, inspection requirements, monitoring obligations, and public costs attributable to the facility have been identified and

addressed through conditions of approval, an improvement agreement, development agreement, reimbursement agreement, impact fee, service agreement, participation agreement, or other lawful mechanism;

(f) the application includes sufficient public information to allow the County and the public to understand the facility's location, scale, reasonably anticipated impacts, mitigation measures, and requested approvals;

(g) the facility complies with applicable County land use regulations, site development standards, road standards, fire code requirements, public works standards, and other adopted standards within the County's jurisdiction; and

(h) all conditions of approval are reasonably related to mitigating reasonably anticipated detrimental effects of the proposed use or ensuring compliance with adopted standards; and

(i) where the facility is within the RSDZ Overlay, and an RSDZ has been approved, the facility is consistent with the approved RSDZ proposal, committee-established terms, and applicable RSDZ implementing documents, or consistency can be assured through lawful conditions or separate agreements; and

(j) fiscal and tax disclosures have been reviewed for infrastructure and service planning, but the land use decision does not determine tax classification, exemption eligibility, delivered value, RSDZ approval, or entitlement to an incentive; and

(k) to the extent within the County's authority to require disclosure, the costs of new generation, transmission, distribution, substation, and related infrastructure attributable to the facility have been identified and allocated so as not to shift those costs to existing utility customers, recognizing that utility rates, tariffs, and cost recovery are matters reserved to the Public Service Commission and the serving utility.

(12) Approval with conditions. The Land Use Authority may impose reasonable conditions that are necessary to ensure compliance with this Chapter, mitigate reasonably anticipated detrimental effects, require infrastructure or service commitments, require monitoring and reporting, protect public health and safety, or ensure compliance with other applicable County standards.

(13) Denial. If the Land Use Authority cannot make the required findings and determines that reasonably anticipated detrimental effects cannot be substantially mitigated by reasonable conditions, it shall deny the application and state the reasons for denial in writing.

(14) Continuance. The Land Use Authority may continue an application to allow the applicant to address deficiencies, provide additional information, complete the technical review, revise mitigation measures, negotiate lawful agreements, or respond to the reviewing agency's comments.

34-10. Conditions of Approval, Monitoring, Reporting, and Enforcement.

(1) Conditions of approval. Conditions may include limits on approved power demand, water use, cooling method, generator testing, operating procedures, construction hours, access routes, traffic management, lighting, noise, screening, emergency response, hazardous materials, infrastructure improvements, phasing, financial assurance, annual reporting, complaint response, independent monitoring, inspection, implementation of applicant or utility demand-response commitments, microgrid operating protocols, islanded-operation limits, or other matters reasonably related to adopted standards or mitigation of reasonably anticipated detrimental effects. A land use condition may not establish a tax, approve an incentive, commit RSDZ revenue, set a utility rate or tariff, or require a matter reserved to another agency.

(2) Conditions precedent. The Land Use Authority may require specified conditions to be satisfied before grading, issuance of a building permit, issuance of a certificate of occupancy, commencement of operations, expansion, or later phases.

(3) Post-construction noise verification. Within 90 days after the facility or approved phase commences operations, the operator shall submit a post-construction noise study prepared by a qualified acoustical professional demonstrating compliance with Section 34-7. If the study identifies an exceedance or distinctive noise component requiring mitigation, the operator shall implement corrective measures and submit a follow-up study within the timeframe specified by the County. For a facility that includes a baseload generation source or microgrid, the post-construction study shall verify compliance under continuous operating conditions.

(4) Annual compliance report. The operator of a large or hyperscale data center facility, a facility with co-located power generation, or a facility with a microgrid shall submit an annual compliance report. The report shall include actual water use by source; wastewater generation and disposal; peak and average electrical demand; changes in energy-delivery meter or point-of-delivery configuration; generator testing hours; generator emergency runtime; baseload generation operating hours and fuel use; air-permit compliance status; noise, lighting, and traffic complaints and resolution; hazardous-materials inventory updates; emergency incidents; fire-system inspection status; current employment; ownership or operator changes; status of mitigation measures and financial assurance; status of applicant or utility demand-response commitments; and confirmation of compliance with conditions of approval. Information claimed as protected shall be submitted with a public summary under Section 34-5-15. The operator shall also submit a public, plain-language annual summary, suitable for posting on the County website, that reports actual water use compared to the approved water-use limits and identified by source type; actual peak and average electrical demand; backup-generator operating hours; the number and resolution of noise, lighting, and traffic complaints; and actual operations employment compared to the employment projected in the approved application. The County shall post the public annual summary on the County website. The County may provide non-protected portions of the annual compliance report to entities administering the Tooele County Energy Excise Tax Ordinance, to the serving utility where reasonably necessary for infrastructure coordination, or to an agency administering an approved RSDZ, subject to GRAMA and other applicable confidentiality requirements.

(5) Small facility reporting. The Land Use Authority may require annual or periodic compliance reporting for a small data center facility where necessary to verify compliance or mitigate site-specific impacts.

(6) Designated contact and complaint process. The operator shall designate a responsible contact person and maintain a publicly available process for receiving and resolving complaints regarding noise, light, traffic, dust, vibration, air emissions, water use, construction impacts, emergency incidents, or other effects of the facility. Complaints and their resolution shall be summarized in the annual compliance report.

(7) Additional monitoring. The County may require additional monitoring, testing, reporting, or independent verification if the County receives credible complaints, identifies a potential violation, determines that operations have materially changed, or determines that additional information is reasonably necessary to verify compliance with this Chapter or conditions of approval.

(8) Inspection. The County may inspect the facility for compliance with this Chapter and the conditions of approval at reasonable times and in accordance with applicable law. The County may coordinate inspections with the fire agency having jurisdiction, public works, emergency services, the health department, building officials, code enforcement, or other agencies with jurisdiction.

(9) Notice of violation and correction. If the County determines that the facility is not in compliance, the County may issue a written notice of violation requiring corrective action within a specified time. The County may require interim measures, as necessary, to protect public health, safety, infrastructure, or adjacent uses.

(10) Modification, suspension, or revocation. Following notice and an opportunity to be heard, the County may modify, suspend, or revoke a conditional use permit for continuing failure to comply with this

Chapter, conditions of approval, required reporting, financial assurance requirements, or an approved mitigation plan. Modification, suspension, or revocation shall be processed consistent with applicable County enforcement and appeal procedures.

(11) Tax, utility, and incentive administration. Compliance monitoring under this Chapter does not include imposition, administration, collection, or enforcement of the county energy excise tax, a utility tariff, an RSDZ revenue commitment, or an incentive agreement, except to the extent a separate agreement expressly incorporates a land use condition or reporting obligation. The legally authorized entity shall administer those matters in accordance with applicable law. Land use conditions may require submission of information reasonably necessary to implement a separately adopted tax, utility, or RSDZ agreement, but this Chapter does not itself impose, administer, or enforce such agreements.

(12) Remedies cumulative. The remedies in this Chapter are cumulative and do not limit any other remedy available under County ordinance, state law, a development agreement, improvement agreement, financial assurance instrument, permit condition, or court order.

34-11. Decommissioning and Financial Assurance.

(1) Decommissioning plan required. Each application shall include a decommissioning and site-restoration plan addressing cessation of operations; removal of equipment and structures; removal of foundations to a depth of at least 36 inches below grade unless the County approves retention for a documented reuse; removal of microgrid components, generation equipment, energy storage systems, and fuel-storage and delivery facilities; proper disposal or recycling; grading, drainage stabilization, erosion control, revegetation where appropriate, utility disconnection, hazardous-materials removal, and restoration to a safe and stable condition.

(2) Cost estimate. The decommissioning cost estimate shall be prepared by a qualified professional acceptable to the County and shall include removal, hauling, disposal, recycling, grading, stabilization, revegetation, professional fees, administrative costs, and a contingency of not less than 15 percent. The County may disallow or limit salvage value in calculating the required financial assurance.

(3) Financial assurance. Before a certificate of occupancy is issued, the applicant shall provide financial assurance in the form of a bond, irrevocable letter of credit, escrow, or other instrument acceptable to the County in an amount equal to the approved decommissioning cost estimate. The financial assurance shall name the County as beneficiary or obligee and shall be in a form approved by the County Attorney.

(4) Updates. The decommissioning cost estimate and financial assurance shall be reviewed and updated at least every three years, upon substantial modification, upon transfer of ownership or operation, or upon request by the County if costs materially change.

(5) Abandonment. Cessation of facility operations for 12 consecutive months constitutes abandonment and triggers the obligation to decommission, unless the County grants an extension for good cause, based on a written plan to resume operations, maintain the site, and protect public health and safety.

(6) Continuing obligations. The obligation to decommission and restore the site is binding on the owner, operator, successors, and assigns. Before a certificate of occupancy is issued, the owner shall execute and record a notice or covenant, in a form approved by the County Attorney, identifying the decommissioning obligation and the financial assurance. The financial assurance shall remain in effect until the County confirms in writing that decommissioning and restoration are complete.

(7) County remedies. If the owner or operator fails to decommission the facility as required, the County may use the financial assurance to complete decommissioning and may pursue any other remedy available at law or equity. Use of financial assurance does not limit the County's ability to recover additional costs if the assurance is insufficient.

(8) Partial decommissioning. The Land Use Authority may require partial decommissioning of a phase, building, generation facility, energy storage system, microgrid component, or support facility that has been abandoned or permanently removed from service, even if other portions of the data center facility remain in operation.

34-12. Appeals.

(1) Written decision. The Land Use Authority shall issue a written decision approving, approving with conditions, or denying an application under this Chapter. The decision shall include findings of fact, conclusions, conditions of approval if applicable, and notice of appeal rights.

(2) Appeal Authority. An appeal of a decision under this Chapter shall be heard by the County's designated Appeal Authority, unless otherwise provided by County ordinance or applicable law.

(3) Time to appeal. A land use applicant or adversely affected party may appeal a written decision under this Chapter by filing a written appeal within the time established by County ordinance, which shall not be less than 10 calendar days after issuance of the written decision.

(4) Record on appeal. The record on appeal shall include the application, studies, peer reviews, staff reports, reviewing agency comments, public comments, hearing record, exhibits, written findings, conditions of approval, and any other materials relied upon by the Land Use Authority.

(5) Standard and scope of review. The Appeal Authority shall review appeals in accordance with the standard and scope of review established by County ordinance and applicable Utah law. The Appeal Authority may not substitute policy preferences for the adopted standards governing the application.

(6) Final decision and judicial review. A decision of the Appeal Authority is final when issued in writing or as otherwise provided by County ordinance and may be reviewed by a court only as provided by applicable Utah law.

34-13. Expiration, Amendments, Transfer, and Operational Changes.

(1) Expiration. A conditional use permit approved under this Chapter expires if substantial construction has not commenced within two years after final approval, unless a different period is stated in the conditions of approval or the Land Use Authority grants an extension for good cause before expiration.

(2) Extension. The Land Use Authority may grant an extension if the applicant demonstrates good cause, continued compliance with applicable standards, and no material change in circumstances that would affect the required findings. The Land Use Authority may require updated studies or conditions as part of an extension.

(3) Minor amendments. The Community Development Director may approve a minor amendment only if the change, considered cumulatively with all minor amendments since the original approval or most recent substantial modification, does not change the facility tier; add co-located generation or a microgrid; change the cooling-system type; trigger any numerical threshold in the definition of substantial modification; or materially increase water use, power demand, traffic, noise, emissions, lighting, visual impact, hazardous materials, or emergency-response impacts. The Director shall issue a written determination stating the applicable baseline and findings.

(4) Major amendments and substantial modifications. A substantial modification requires review and approval under the process required for the original approval, unless applicable law requires a different process. Thresholds are measured cumulatively from the original approval or the most recent approval processed as a substantial modification. The Land Use Authority may require updated studies, public notice, a hearing, conditions, financial assurance, and lawful agreements to the extent they relate to the proposed modification.

(5) Transfer. A permit may be transferred to a new owner or operator only after written notice to the County and written acknowledgment by the new owner or operator that it accepts all conditions of

approval, reporting obligations, decommissioning obligations, financial assurance requirements, complaint response obligations, demand response and curtailment commitments, if any, and other requirements of this Chapter.

(6) Ownership and operator changes. The operator shall notify the County within 30 days after any change in owner, operator, facility contact, emergency contact, or responsible party.

(7) No vested right to unapproved expansion. Approval of a data center facility or phase does not create approval for a later phase, expansion, generation facility, microgrid component, increased power demand, increased water use, changed cooling method, or other substantial modification unless expressly approved under this Chapter.

34-14. Applicant Cost Reimbursement; Agreements; Infrastructure and Service Mitigation.

(1) Reimbursement required. Under an adopted fee schedule or a written reimbursement agreement, the applicant shall reimburse the County for the actual, reasonable cost of independent technical, legal, engineering, fiscal, or other specialized review; enhanced notice; public-meeting facilitation; and records preparation that is reasonably necessary to process the application or verify compliance. The applicant may not be charged for general ordinance development, policy development, or costs unrelated to the application.

(2) Deposit or escrow. The County may require an application review deposit, escrow, or reimbursement agreement before accepting or continuing the review of an application that requires independent review or extraordinary staff review. Unused funds shall be returned in accordance with County policy or the reimbursement agreement.

(3) Infrastructure and service mitigation. Where a facility creates a need for public infrastructure, public services, inspection capacity, emergency response capacity, road improvements, utility improvements, or ongoing County costs, the County may require lawful mitigation through conditions of approval, development agreements, improvement agreements, reimbursement agreements, participation agreements, impact fees, service contracts, special district arrangements, or other mechanisms authorized by law.

(4) No unlawful exaction. Any required dedication, improvement, payment, reimbursement, or service obligation shall comply with applicable law governing exactions and shall be roughly proportionate and reasonably related to the impacts attributable to the proposed facility, unless voluntarily agreed to through a lawful agreement supported by adequate consideration.

34-15. Interpretation, Conflicts, and Severability.

(1) More specific standard controls. Where this Chapter conflicts with another County land use, fire, building, engineering, public works, health, nuisance, or development standard, the more specific standard applies. If equally specific standards conflict, the standard that provides greater protection from the identified impact applies unless prohibited by law.

(2) RSDZ coordination. An approved RSDZ proposal, committee-established terms, and RSDZ implementing documents govern RSDZ financing, revenue participation, and contractual commitments. This Chapter and other duly adopted land use regulations govern land use review unless a later ordinance or a valid development or entitlement agreement lawfully provides otherwise. Creation of an RSDZ does not, by itself, amend this Chapter or approve a land use application.

(3) Consistency with law. This Chapter shall be interpreted consistently with applicable federal and state law. If a provision is determined to be preempted, invalid, or unenforceable, the remaining provisions shall continue in effect to the maximum extent allowed by law.

(4) Severability. If any section, subsection, sentence, clause, phrase, or application of this Chapter is held invalid by a court of competent jurisdiction, that decision does not affect the validity of the remaining portions.

(5) Transition. An application submitted before the effective date of this Chapter shall be processed under applicable vested-rights law and County ordinance. An applicant may request review under this Chapter if allowed by law and approved by the County.

CHAPTER 34

DATA CENTER FACILITIES

34-1. Purpose and Intent.

This Chapter establishes land use standards and review procedures for data center facilities in Tooele County. The purposes of this Chapter are to:

(1) provide for the orderly development of data center facilities in locations where they are compatible with surrounding land uses and public infrastructure;

(2) establish objective standards for the review of data center facilities and provide a transparent, predictable, and legally defensible process for applicants, affected property owners, residents, service providers, reviewing agencies, the Planning Commission, and the County Council;

(3) protect residential areas, sensitive lands, agricultural operations, public infrastructure, and adjacent uses from reasonably anticipated detrimental effects, including noise, low-frequency sound, light trespass, air emissions, traffic, vibration, visual impacts, water demand, wastewater impacts, emergency response impacts, waste heat discharge, and construction impacts;

(4) ensure that the County and the public have complete, accurate, and timely information about a proposed facility's resource use, infrastructure needs, fiscal impacts, and operational impacts before a land use decision is made;

(4)(5) ensure that phased, affiliated, or functionally integrated facilities are evaluated at full build-out and, where applicable, in combination with existing, approved, and complete pending facilities that share affected infrastructure or service areas;

(5)(6) ensure that public infrastructure and public service costs attributable to a facility are identified and lawfully allocated through conditions of approval, improvement agreements, development agreements, reimbursement agreements, impact fees, service agreements, or other lawful mechanisms;

(6)(7) provide for safe operation, continuing compliance monitoring, complaint response, annual reporting, and eventual decommissioning of data center facilities;

(7)(8) support economic development that is consistent with the Tooele County General Plan, adopted land use regulations, infrastructure capacity, fiscal sustainability, and the health, safety, and welfare of County residents; and

(8)(9) avoid unnecessary barriers to lawful data center development where the standards of this Chapter are met and reasonably anticipated detrimental effects can be substantially mitigated through reasonable conditions.

34-2. Applicability; Relationship to Other Laws; Land Use Authority.

(1) **Applicability.** This Chapter applies to the establishment, expansion, substantial modification, operation, monitoring, enforcement, and decommissioning of data center facilities, co-located power generation facilities, and microgrids that serve data center facilities within Tooele County's land-use jurisdiction.

(2) **Relationship to state law.** References in this Chapter to the County Land Use, Development, and Management Act mean Utah Code Title 17, Chapter 79, as amended, and any successor provisions. This

Chapter shall be interpreted and applied consistently with applicable Utah law, including the standards governing conditional uses, land use decisions, application completeness, appeal authorities, vested rights, development agreements, exactions, notices, records, and judicial review.

(3) **Conditional use standard.** A data center facility that is allowed as a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to ~~substantially~~ mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the objective standards of this Chapter and applicable Utah law, and this Chapter. Mitigation does not require complete elimination of a detrimental effect. If the reasonably anticipated detrimental effects cannot be substantially mitigated by the proposal or by reasonable conditions imposed to achieve compliance with applicable standards, the Land Use Authority may deny the application.

Formatted: Strikethrough

Formatted: Strikethrough

(4) **Administrative decision.** A decision on a conditional use permit under this Chapter is an administrative land use decision. When acting as Land Use Authority under this Chapter, the Planning Commission shall apply the standards of this Chapter to the evidence in the record and shall not base a decision on generalized public opposition, unsupported speculation, or policy preferences that are not tied to adopted standards.

(5) **Designated Land Use Authority.** The Planning Commission is designated as the Land Use Authority for all data center facilities, including small, large, and hyperscale data center facilities and any data center facility that includes co-located power generation or a microgrid. The Planning Commission acts in an administrative capacity when deciding an application under this Chapter.

(6) **Other permits required.** Approval under this Chapter does not replace any building permit, fire code approval, health department approval, air quality permit, water right approval, wastewater approval, stormwater approval, encroachment permit, road access approval, utility approval, state or federal permit, or other approval required by law.

(7) **Preemption and jurisdiction.** Nothing in this Chapter authorizes the County to regulate any matter preempted by federal or state law. For nuclear generation, the County's review is limited to matters within the County's land-use authority, including site compatibility, local infrastructure, access, non-radiological land use impacts, emergency services coordination, and compliance with County development standards. The County does not regulate radiological safety, nuclear licensing, fuel enrichment, spent-fuel handling, or matters reserved to the United States Nuclear Regulatory Commission or another agency with exclusive jurisdiction.

(8) **Development authority project areas.** Where a facility is proposed within a project area of the Military Installation Development Authority or another entity exercising independent land use authority, land use review may occur under that entity's process rather than the County's. In such cases, the County may request that the disclosure, transparency, infrastructure, public safety, and mitigation standards of this Chapter inform that review and any intergovernmental agreement, participation agreement, development agreement, or project area plan.

(9) **Other applicable state laws.** The land use review under this Chapter shall also be informed by, and interpreted consistently with, the following state-law frameworks where they apply to the proposed facility: the County Energy Excise Tax Act, Title 59, Chapter ~~35-37~~; ~~the Large Load Customer provisions of the Public Service Commission Act~~ Large-Scale Electric Service Requirements, Title 54, Chapter 26; the qualifying data center provisions of Title 59, Chapter 12; the Prohibition on Tax Increment Incentives for Large Load Data Centers Act, Title 11, Chapter 41, Part 2; the Creation of Regionally Significant Development Zones, Title 63N, Chapter 3a; and the Regionally Significant Development Zones Act, Title 17C, Chapter 6. References mean the cited provisions as amended and any successor provisions. Nothing

Formatted: Strikethrough

Formatted: Strikethrough

in this Chapter independently authorizes the County to impose, administer, collect, dedicate, transfer, rebate, or pledge a tax or other public revenue.

(10) Separate land use, utility, tax, and economic-development decisions. Approval under this Chapter does not determine whether a facility is a qualifying data center, large load customer, large load data center, or high-impact consumer; does not determine delivered value, tax liability, exemption eligibility, utility rates, or entitlement to an incentive; and does not create or approve an RSDZ. Any tax levy, repeal, or rate change; RSDZ proposal or modification; dedication or transfer of revenue; incentive; tax-increment participation; utility tariff; or economic-development agreement requires separate action by the legally authorized body under applicable law. Fiscal estimates submitted under this Chapter are planning information only and do not bind the County, the Utah State Tax Commission, a utility, an RSDZ agency, or another taxing entity. The Land Use Authority shall not approve or deny a land use application solely because of the amount of projected tax revenue or the availability of an incentive, but may consider identifiable public infrastructure and service impacts and lawful mitigation of those impacts. Information submitted under this Chapter may be used to inform separate actions under the Tooele County Energy Excise Tax Ordinance, the RSDZ Overlay chapter, the RSDZ statutes, or other applicable tax, utility, and economic-development laws, subject to GRAMA and other applicable confidentiality requirements.

(11) County implementing ordinances. This Chapter shall be interpreted and applied consistently with the Tooele County Energy Excise Tax Ordinance adopted pursuant to Title 59, Chapter ~~35-37~~, Utah Code Annotated 1953, as amended, and the Regionally Significant Development Zone Overlay chapter of the Tooele County Land Use Ordinance.

Formatted: Strikethrough

34-3. Definitions.

For this Chapter, the following terms have the meanings given below. Terms not defined in this Chapter have the meaning given elsewhere in the Tooele County Land Use Code or, if not defined there, their ordinary meaning.

A-weighted decibel (dBA). A measure of sound pressure level weighted to approximate the response of human hearing to ordinary audible sound.

Air cooling system. A cooling system that rejects heat primarily to the air without the consumptive use of water.

Appeal Authority. The person, board, commission, hearing officer, or other body designated by County ordinance to decide an appeal of a land use decision.

Applicant. The property owner, authorized agent, developer, operator, or other person submitting an application under this Chapter.

Backup generator. An internal combustion engine or combustion turbine, together with associated fuel supply, installed to provide standby electrical power.

Baseload generation source. An on-site or nearby generation source designed to operate continuously to meet the major consumer's electrical demand, as distinguished from a backup generator that operates only during outages or testing.

Battery energy storage system, or BESS. An electrochemical energy storage system, including but not limited to a lithium-ion battery system, used to store electrical energy for later use.

C-weighted decibel (dBC). A measure of sound pressure level weighted to capture more low-frequency sound energy than the A-weighted scale, used to evaluate tonal and low-frequency noise.

Closed-loop cooling system. A cooling system that recirculates cooling fluid and is designed to minimize consumptive water use.

Co-located power generation. An electrical generation facility, including a natural gas turbine, reciprocating engine, fuel cell installation, nuclear reactor, or other generation technology, developed on or adjacent to a data center site primarily to serve the data center facility, whether or not the generation facility also delivers power to the electrical grid.

Common ownership or control. Ownership, control, management, or beneficial interest by the same person or by affiliates, parent entities, subsidiaries, partners, joint ventures, or entities acting pursuant to a common development, financing, utility-service, or operating arrangement.

Community reinvestment agency. A community reinvestment agency designated to manage a regionally significant development zone under Title 17C, Chapter 6, Utah Code, as amended.

Complete application. An application that contains the plans, documents, studies, fees, and other information expressly required by this Chapter, the general conditional use permit provisions of the Land Use Code, and the County's published application checklist, subject to a written completeness determination under applicable law. A request for supplemental information shall identify the specific objective and the ordinance-based requirement that has not been satisfied.

Construction phase. The period beginning with grading, excavation, site preparation, utility work, or building construction and ending when the facility or applicable phase receives a certificate of occupancy or other authorization to commence operations.

Data center campus. One or more data center facilities shall be treated as a single data center campus if any of the following applies: the facilities are under common ownership or control; are included in a common master plan, development agreement, financing plan, construction program, or utility-service request; share applicant-owned or applicant-controlled access, security, water, wastewater, cooling, electrical, generation, transmission, substation, microgrid, emergency-response, or other principal supporting infrastructure; are represented to a utility, government entity, lender, or taxing entity as phases or components of one coordinated project; or are contiguous or adjacent facilities developed as a coordinated expansion. Separate parcels, meters, tenants, ownership entities, phases, or application dates do not prevent aggregation under this definition.

Data center facility. A building or group of buildings used primarily to house computer servers and associated electronic equipment for the storage, processing, or transmission of digital data, together with accessory cooling, electrical, fire-protection, security, and support systems.

Data center facility, hyperscale. A data center facility with a designed or contracted electrical demand of 100 megawatts or more at full build-out.

Data center facility, large. A data center facility with a designed or contracted electrical demand of 50 megawatts or more, or a gross floor area of 100,000 square feet or more, that is not a hyperscale data center facility.

Data center facility, mega. A data center facility or data center campus with a maximum coincident electrical demand of 300 megawatts or more at full build-out.

Data center facility, small. A data center facility that is neither a large nor a hyperscale data center facility.

Formatted: Font: Bold

Decommissioning. The cessation of facility operations, removal of equipment and structures, stabilization of the site, and restoration of the site as required by this Chapter and the approved decommissioning plan.

Demand response. A program or operating commitment under which a data center facility temporarily reduces electrical demand from the regional grid, shifts demand to on-site generation or storage, or otherwise modifies operations in response to grid conditions or utility direction.

Emergency operation. The use of backup generation or emergency systems during a utility outage, grid emergency, equipment failure, emergency response event, or other actual emergency condition, excluding routine testing.

Energy storage system. One or more devices, including battery energy storage systems and long-duration energy storage systems, used to store electrical energy for later use.

Energy-delivery meter. A revenue-grade meter, service meter, point-of-delivery meter, or other metering point used by an energy supplier, utility, or the Utah State Tax Commission to identify the location or quantity of energy delivered to a high-impact consumer.

Facility operator. The person or entity responsible for operating, maintaining, monitoring, and reporting on a data center facility after approval.

High-impact consumer. An end-user of energy that meets the definition of a high-impact consumer under the County Energy Excise Tax Act, Title 59, Chapter ~~25-37~~, Utah Code Annotated 1953, as amended, and as applied under the Tooele County Energy Excise Tax Ordinance.

Formatted: Strikethrough

Incentive. For purposes of the state restrictions applicable to large load data centers, a payment of public funds funded by tax increment or personal property tax revenue that meets the definition in Section 11-41-201, Utah Code, as amended. The term does not include a sales and use tax exemption that state law excludes from the definition.

Islanded operation. Operation of a microgrid disconnected from the regional electrical grid and supplied entirely by on-site or nearby generation and storage.

Land Use Authority. The person or body designated by this Chapter to review and decide a land use application under this Chapter.

Large load customer. An electrical customer that meets the definition of a large load customer under Section 54-26-101, Utah Code, as amended, or any successor provision.

Large load data center. A large load customer that is also a qualifying data center, as provided in Section 11-41-201, Utah Code, as amended.

Leq (equivalent continuous sound level). The constant sound level that, over a stated measurement period, contains the same total sound energy as the actual fluctuating sound measured over that period.

Long-duration energy storage system, or LDES. An energy storage system designed to discharge stored electrical energy for at least eight continuous hours and that does not rely primarily on lithium-ion electrochemical cells, including but not limited to electrostatic, mechanical, thermal, gravity-based, and flow-battery storage technologies.

Maximum coincident electrical demand. The maximum aggregate electrical load designed, reserved, or contracted to be served simultaneously at full build-out, calculated at the facility load without deducting on-site generation, energy storage, demand response, curtailment capability, or another supply-side resource. Separate meters, tenants, phases, parcels, ownership entities, or power sources do not reduce the calculation for a data center campus.

Microgrid. A locally controlled electrical system comprising one or more major power consumers, one or more on-site or nearby baseload generation sources, optional backup generation or energy storage, optional interconnection to the regional electrical grid, and a control system that determines how and when the system interacts with the regional grid, including operation in islanded mode.

Nighttime hours. The period from 10:00 p.m. to 7:00 a.m., local time.

Noise-sensitive receptor. A dwelling, school, place of worship, hospital, residential care facility, campground, public park, or other existing or approved use where quiet is reasonably expected.

Open-loop or evaporative cooling system. A cooling system that relies on the evaporation of water to reject heat and that consumptively uses water.

Operations phase. The period after a facility or phase has received a certificate of occupancy or other authorization to commence data center operations.

Public information summary. A plain-language summary of the proposed facility, impacts, mitigation, public process, and applicant commitments that excludes protected records and is suitable for posting on the County website.

Qualifying data center. A data center that meets the definition of a qualifying data center under Section 59-12-102, Utah Code, as amended, for purposes of the state sales and use tax exemption.

Regionally significant development zone, or RSDZ. A zone created under Title 63N, Chapter 3a, Part 2, Utah Code, as amended, and managed under Title 17C, Chapter 6, Utah Code, as amended.

Routine generator testing. Scheduled testing, maintenance, exercising, commissioning, or similar operation of backup generators that is not emergency operation.

RSDZ implementing documents. The approved or modified RSDZ proposal, terms established by the applicable increment-financing committee, and any zone governing document, entitlement agreement, development agreement, participation agreement, interlocal agreement, or other agreement required or authorized to implement the RSDZ under Title 63N, Chapter 3a, and Title 17C, Chapter 6, Utah Code Annotated 1953, as amended.

RSDZ Overlay. The Regionally Significant Development Zone Overlay established by the Tooele County Land Use Ordinance to pre-position land use entitlements for areas that may be proposed as, or have been approved as, a regionally significant development zone, as provided in the Regionally Significant Development Zone Overlay chapter of the Tooele County Land Use Ordinance.

Sending property. The parcel or parcels on which a data center facility is located. The sending property line is the boundary of the sending property from which noise and other effects are measured unless another measurement location is expressly required by this Chapter or a condition of approval.

Substantial modification. A change or series of changes, measured cumulatively from the original approval or the most recent approval processed as a substantial modification, that: increases approved electrical demand by more than 10 percent; increases approved annual or peak-day water use by more than 10 percent; increases gross floor area by more than 10 percent; changes the approved cooling-system type; adds or materially expands co-located power generation, a microgrid, or an energy storage system; changes fuel type or the approved operating profile of a generation source; changes an energy-delivery meter, point of delivery, energy supplier, ~~tenant configuration, ownership structure, or tenant~~ campus configuration in a manner that materially affects aggregation, infrastructure, emergency response, or fiscal analysis; changes approved access routes in a manner that materially affects public

Formatted: Strikethrough

roads; or materially changes the facility's noise, emissions, lighting, traffic, water, wastewater, emergency response, visual, fiscal, or infrastructure impacts. A change that results only in a reduction of regulated impacts, including a reduction in electrical demand, consumptive water use, noise, emissions, or traffic, is not a substantial modification. A change that would create or expand a mega data center facility is prohibited and may not be approved as a substantial modification.

Waste heat. Thermal energy rejected to the outdoor environment by a data center facility's cooling systems, generation equipment, or other equipment, whether rejected to air or water.

Formatted: Font: Bold

34-4. Permitted Locations; Conditional Use Permit Required; Review Matrix.

(1) Zoning districts. A data center facility may be established only in the Manufacturing General (M-G) zoning district; within an area to which the Regionally Significant Development Zone (RSDZ) Overlay has been applied, where the zoning map specifically designates large load customer facilities, qualifying data centers, and supporting energy and utility facilities under the RSDZ Overlay chapter; or in another zoning district that expressly allows data center facilities by ordinance.

~~(4)~~(2) Mega data center facilities prohibited. A mega data center facility is not a permitted use or a conditional use in any zoning district, including within an area to which the RSDZ Overlay has been applied, and shall not be established within the County's land-use jurisdiction. No approval, phase, extension, minor amendment, substantial modification, separate parcel, separate meter, separate tenant, affiliate, ownership entity, utility-service request, or supporting-infrastructure arrangement may authorize or be used to create a data center facility or data center campus with a maximum coincident electrical demand of 300 megawatts or more at full build-out. The applicant shall disclose information reasonably necessary for the County to determine campus aggregation and maximum coincident electrical demand. This Subsection governs land use only and does not determine a facility's classification as a large load customer, high-impact consumer, or qualifying data center under state law.

Formatted: Font: (Default) Calibri, Font color: Red

~~(2)~~(3) Conditional use permit required. No data center facility, no co-located power generation facility, and no microgrid serving a data center facility may be established, expanded, or substantially modified as a use permitted by right. Each facility requires a conditional use permit reviewed and decided under this Chapter.

~~(3)~~(4) Co-located power generation and microgrids. Co-located power generation and microgrid components are not accessory uses exempt from this Chapter. They shall be reviewed as part of the data center facility conditional use permit or as a substantial modification of an approved permit.

~~(4)~~(5) Substations and transmission infrastructure. To the extent within the County's land use jurisdiction and within the applicant's ownership or control, substations, transmission lines, switchyards, battery storage systems, long-duration storage systems, and related electrical infrastructure primarily serving a data center facility shall be disclosed and reviewed as part of the application. Such infrastructure shall not be segregated from the application to avoid compliance with the standards of this Chapter.

~~(5)~~(6) Site plan and subdivision compliance. Approval under this Chapter does not eliminate site plan, subdivision, road dedication, access, grading, drainage, building permit, fire code, or other applicable review requirements.

~~(6)~~(7) Coordination within the RSDZ Overlay. Where a data center facility is proposed within an area to which the RSDZ Overlay has been applied:

(a) the development standards, operational performance standards, submittal requirements, monitoring, enforcement, and decommissioning requirements of this Chapter apply in addition to the RSDZ Overlay chapter;

(b) if an RSDZ has been approved, County review shall be coordinated with the community reinvestment agency and shall consider the approved RSDZ proposal, committee-established terms, and applicable RSDZ implementing documents;

(c) the County retains its land use authority, and creation or approval of an RSDZ does not itself approve a land use application, amend this Chapter, waive a development standard, or create a vested right to a data center facility;

(d) the approved RSDZ proposal, committee-established terms, and RSDZ implementing documents govern RSDZ financing, revenue participation, and contractual commitments; this Chapter and other duly adopted land use regulations govern land use review unless a valid development or entitlement agreement lawfully provides otherwise; and

(e) a conflict or ambiguity shall be resolved in a manner consistent with state law, after consultation with the County Attorney.

Review and Decision Matrix

Facility Type	Land Use Authority	Planning Commission Role	Public Hearing	Final Action
Small data center facility	Planning Commission	Reviews and decides as Land Use Authority	As required for CUPs or as determined by County ordinance <u>Required before final decision</u>	Approve, approve with conditions, or deny
Large data center facility	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny
Hyperscale data center facility	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny
Any data center with co-located power generation or a microgrid	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny
Any data center within the RSDZ Overlay	Planning Commission	Reviews and decides as Land Use Authority; coordinates with the community reinvestment agency and applicable RSDZ implementing documents if an RSDZ has been approved	Required before final decision	Approve, approve with conditions, or deny
Substantial modification	Same Land Use Authority as original approval unless classified as minor under Section 34-13	As applicable	As applicable <u>Require before final decision</u>	Approve, approve with conditions, or deny

Formatted: Strikethrough

Formatted: Strikethrough

34-5. Pre-Application Review; Application and Submittal Requirements.

(1) **Pre-application conference.** A pre-application conference is required before submittal of an application for a large or hyperscale data center facility, any data center facility that includes co-located power generation, and any data center facility that includes a microgrid. The Community Development Department may require a pre-application conference for a small data center facility when site conditions, infrastructure needs, or potential impacts warrant early coordination.

(2) **Purpose of pre-application conference.** The pre-application conference is intended to identify applicable standards, required studies, reviewing agencies, public process expectations, utility and infrastructure issues, emergency response concerns, public information needs, and any potential need for a development agreement, improvement agreement, reimbursement agreement, participation agreement, or other legally authorized implementation mechanism.

(3) **Complete application required.** In addition to the objective submittal requirements that generally apply to a conditional use permit, an application shall include the materials described in this Section and the County's published checklist. The County may waive a specific item only in writing, with stated reasons, and only when the item is objectively inapplicable to the proposed facility or phase. A completeness deficiency notice shall identify the specific required item and the additional information needed. Studies shall be prepared by professionals qualified by education, licensure, certification, or demonstrated experience appropriate to the subject matter.

(4) **Independent review.** The County may obtain independent review of a technical study submitted under this Chapter when the scope or complexity of the application requires specialized expertise. Review costs charged to the applicant shall be limited to the County's actual, reasonable cost, imposed under an adopted fee schedule or written reimbursement agreement, and administered as provided in Section 34-14. Independent review may address water, wastewater, traffic, noise, air quality, fiscal impact, fire protection, emergency response, utilities, environmental resources, geotechnical conditions, stormwater, lighting, energy storage, microgrids, cumulative impacts, or decommissioning. For a large data center facility, ~~a hyperscale data center facility, and any data center facility that includes co-located power generation or a microgrid,~~ the County shall obtain independent technical review of the water supply and use study, ~~and the electrical power and infrastructure plan, and may obtain independent review of any other study.~~ For a facility with a maximum coincident electrical demand of 100 megawatts or more, co-located power generation, or a microgrid, the County shall also obtain independent review of the fire hazard analysis, air-quality analysis where combustion generation is proposed, and cumulative-impact analysis. A person performing independent review shall be professionally qualified and shall have no financial, employment, or contractual interest in the applicant, the proposed facility, or its approval. The independent reviewer's written findings shall be a public record and shall be published with the staff report under Section 34-9, subject to the Government Records Access and Management Act.

(5) **Phased applications.** A phased project shall disclose the impacts of each phase and the impacts at full build-out, including the maximum coincident electrical demand and the combined impacts of all phases and related data center campus facilities. Approval of an initial phase does not establish that later phases satisfy this Chapter. The Land Use Authority may condition approval of later phases on updated studies, completion of infrastructure, monitoring results, ~~or additional review, and confirmation that the later phase will not create a mega data center, if the impacts materially differ from those in the approved application.~~

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

34-5-1. Project Description and Disclosure Statement

The application shall include:

- (1) the applicant, property owner, facility operator if known, and each person or entity having common ownership or control of the proposed facility;
- (2) the anticipated end users or tenants of the facility, to the extent known and subject to GRAMA-protected records procedures;

(3) the identity of the ultimate parent entity, ~~and any each~~ beneficial owner of the applicant, and any anchor tenant or principal end user whose identity is known at the time of application; an organizational chart sufficient to identify affiliates and common ownership or control; this information shall be provided at intake, the public information summary shall be updated if any such identity is first disclosed after intake, and an applicant may not withdraw and refile an application for the purpose of delaying or avoiding disclosure required by this Chapter, subject to GRAMA-protected records procedures;

Formatted: Strikethrough

(4) the facility ~~type and tier classification as small or large~~ and whether co-located power generation or a microgrid is proposed;

Formatted: Strikethrough

~~(4)(5) the proposed maximum coincident electrical demand by phase and at full build-out; identification of each existing, approved, or proposed related data center facility or parcel; the applicant's proposed data center campus determination; and the facts supporting or refuting aggregation under this Chapter;~~

~~(5)(6)~~ total site area, parcel numbers, building footprint, building height, gross floor area, impervious area, and proposed phasing;

~~(6)(7)~~ construction schedule, anticipated operations date, and full build-out schedule;

~~(7)(8)~~ total estimated capital investment;

~~(8)(9)~~ estimated taxable value after each phase and at full build-out; and

~~(9)(10)~~ a plain-language public information summary suitable for public posting. The public information summary shall state, in plain language: the proposed facility classification, maximum coincidental electrical demand by phase and at full build-out, and any data center campus relationship; the type of water supply to be used for cooling, identified as culinary or potable water or as reclaimed or other non-potable water, together with the projected annual, peak-month, and peak-day water use; ~~and the proposed cooling technology, the~~ projected effect, if any, on existing residents' electric service reliability and on costs borne by existing utility customers, to the extent within the County's authority to require disclosure; requested public financial participation; permanent operations employment; and the principal mitigation and monitoring commitments.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

34-5-2. Site Plan and Development Plan

The application shall include:

(1) a dimensioned site plan showing buildings, equipment yards, substations, transmission facilities, energy storage systems, microgrid components, access points, emergency access, parking, loading, fencing, security features, lighting, landscaping, screening, drainage facilities, utilities, easements, setbacks, and phasing;

(2) grading, drainage, stormwater, erosion control, dust control, and construction management plans;

(3) architectural elevations and renderings showing building mass, materials, articulation, rooftop equipment, screening, and visibility from public rights-of-way and nearby properties; and

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

34-5-3. Water Supply and Use Study

The application shall include:

(1) projected average, peak-day, peak-month, and annual water use stated in gallons per day, acre-feet per year, and gallons per megawatt-hour where reasonably calculable;

(2) the cooling system type and the basis for projected water use;

(3) the identity and location of each water source to be used; the maximum amount proposed from each source, and whether each source is culinary, potable, reclaimed, non-potable, surface water, or groundwater;

(4) evidence of water rights adequate to serve the facility, a written will-serve commitment from the water provider, or another legally sufficient water supply plan;

(5) ~~if groundwater is proposed, a hydrogeologic analysis addressing sustainable yield, drawdown, and reasonably anticipated effects on nearby wells, springs, wetlands, and connected surface-water resources;~~

Formatted: No underline, Font color: Auto

(6) ~~a metering and reporting plan providing separate revenue-grade or equivalent meters for cooling, domestic, landscape, process, and other material water uses; source-specific measurement; leak detection; and notification procedures for a material leak, unplanned discharge, or exceedance of an approved water-use limit;~~

Formatted: Font: (Default) Calibri

(4) —

(5)(7) a water conservation plan, including reuse, non-potable water, reclaimed water, dry cooling, closed-loop cooling, or other conservation measures considered;

(6)(8) projected volume and quality of wastewater generated; and

(7)(9) the proposed method of wastewater treatment and disposal, ~~with the expected quality and temperature of discharges, and~~ written confirmation from the receiving treatment provider or reviewing agency that adequate capacity exists or will be provided before operation.

Formatted: Strikethrough

34-5-4. Electrical Power and Infrastructure Plan

The application shall include:

(1) projected peak, ~~and average, and maximum coincident~~ electrical demand stated in megawatts by phase, ~~and at full build-out, and for the complete data center campus;~~

Formatted: Strikethrough

(2) whether the electrical grid, on-site generation, co-located generation, a microgrid, energy storage, or a combination will supply power;

Formatted: Strikethrough

(3) a written statement from the serving electrical utility identifying, to the extent available, the maximum power to be delivered, planned method of delivery, transmission-line routing, voltage, substations, switchyards, capacity constraints, and anticipated service schedule;

Formatted: Strikethrough

(3)(4) ~~identification of each pending, approved, or anticipated utility-service request, interconnection request, capacity reservation, or private-generation arrangement associated with the facility or data center campus, including requests submitted by an affiliate, tenant, property owner, generation provider, or another person acting for the project;~~

Formatted: Font: (Default) Calibri

(4)(5) the location and design of substations, switchyards, transmission infrastructure, energy storage systems, microgrid components, and utility corridors on or serving the site;

(5)(6) the location of each existing or proposed energy-delivery meter and point of delivery; the identity of the energy supplier or utility serving each meter; whether buildings, phases, tenants, co-located generation, or behind-the-meter resources will use separate meters; and any anticipated change in meter location, ownership, or configuration during phasing, including information sufficient to identify the meter location for purposes of the Tooele County Energy Excise Tax Ordinance;

(6)(7) a description of how the cost of new generation, transmission, distribution, substations, switchyards, and road-crossing infrastructure will be allocated, stated in dollar terms to the extent reasonably calculable, including whether any cost is proposed to be borne by existing utility customers or a public entity and the estimated magnitude of that exposure;

(7)(8) known reliability, redundancy, emergency-operation, demand-response, curtailment, or grid-support commitments;

(8)(9) a copy or public summary of any written will-serve commitment, electric-service agreement, capacity reservation, interconnection study, or similar utility communication in the applicant's possession, including planning and execution lead time and conditions on power delivery, subject to the protected-records procedures in section 34-5-15;

~~(9)~~(10) identification of any take-or-pay tariff, minimum-capacity payment, capacity-reservation charge, or similar commitment offered, accepted, or under negotiation, including the stated percentage of contracted capacity and duration, to the extent the information is available to the applicant;

~~(10)~~(11) an analysis of potential stranded infrastructure costs if projected demand is not realized, including proposed mitigation through phased construction, security, capacity commitments, or other measures;

~~(11)~~(12) for an energy storage system, the technology type, chemistry or working medium, rated power and energy capacity, discharge duration, design service life, fire and thermal-runaway risk profile, applicable listing and testing certifications, manufacturer-recommended separation distances, and proposed fire-suppression, monitoring, and emergency-response measures;

~~(12)~~(13) for a facility that meets or may meet the definition of a large load customer, a copy or public summary of any large-load-customer service agreement, special tariff, capacity reservation, or similar arrangement in the applicant's possession, including the categories of cost recovery, capacity payment, take-or-pay, and risk allocation and the agreement duration, subject to section 34-5-15; and

~~(13)~~(14) identification of whether the facility is expected to be a high-impact consumer or large load data center and the factual basis for the applicant's preliminary classification, for planning and coordination purposes only and without representing that the County, the Utah State Tax Commission, a utility, or any other entity has made a tax, utility, exemption, or incentive determination.

34-5-5. Air Quality and Emissions Analysis

The application shall include:

(1) all sources of air emissions associated with the facility, including backup generators, routine generator testing, emergency operations, baseload generation sources, and co-located power generation;

(2) the type, number, capacity, fuel source, emissions rating, and control technology for all backup generators and generation units;

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

(4) copies of applications for, and approvals of, permits from the Utah Division of Air Quality and any other agency with jurisdiction, as available;

(5) the anticipated frequency, duration, hours, and coordination procedures for routine generator testing; and for any baseload generation source, the anticipated operating profile, including continuous (24 hours per day, every day of the year) operating assumptions where applicable;

(6) for any proposed natural gas turbine, reciprocating engine, or other combustion source proposed to operate as a baseload generation source, identification of the emissions control technology proposed, including selective catalytic reduction or equivalent controls; the expected percentage reduction in NO_x and CO; the effect of the proposed controls on PM_{2.5} emissions, including any potential increase in PM_{2.5} from the use of ammonia-based selective catalytic reduction at varying engine loads; and the expected CO₂ emissions, which are not reduced by selective catalytic reduction and which may only be reduced through carbon capture and storage or fuel substitution; and

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

34-5-6. Noise Study

The application shall include, prepared by a qualified acoustical professional, a study that:

(1) documents existing ambient sound levels at the sending property line and nearest noise-sensitive receptors, measured before construction in both dBA and dBC scales;

(2) projects operational sound levels at the same locations, including nighttime levels, in both dBA and dBC; ~~evaluates one-third-octave bands; and models representative worst-case conditions including maximum cooling demand, simultaneous operation of major mechanical and electrical equipment, the loudest approved generator-testing configuration, and -continuous (24 hours per day, every day of the~~ year) operating assumptions for operation of any baseload generation source or microgrid;

(3) identifies tonal, low-frequency, narrowband, impulsive, or other distinctive noise components;

(4) documents construction noise impacts and mitigation;

(5) proposes noise mitigation measures, including equipment selection, siting, walls, enclosures, silencers, baffling, berms, operating limits, or other measures; and

~~(6) proposes a post-construction noise verification protocol.~~

~~(6)(7) proposes a post-construction and periodic noise-verification protocol, including measurement locations, representative operating conditions, seasonal conditions, background-sound correction, complaint-triggered testing, and the location of any permanent sound monitor required by this Chapter.~~

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Font: (Default) Calibri

34-5-7. Exterior Lighting Plan

The application shall include:

(1) a photometric exterior lighting plan showing fixture types, mounting heights, shielding, direction, controls, and projected light levels at property lines;

(2) demonstration of compliance with this Chapter and any applicable County outdoor lighting or dark-sky standards;

(3) a description of nighttime lighting reduction, motion controls, security lighting, and emergency lighting; and

(4) a glare analysis where lighting may affect residential areas, public roads, agricultural operations, or sensitive lands.

34-5-8. Traffic and Transportation Study

The application shall include:

(1) projected construction-phase and operational traffic, including employee, contractor, heavy-truck, oversize-load, fuel-delivery, equipment-delivery, and service traffic;

(2) proposed haul routes, access points, intersections, road segments, and construction staging areas;

(3) road and intersection improvements needed to accommodate the facility;

(4) rail access or rail crossing impacts, if applicable;

(5) a traffic control and safety plan for construction; and

(6) a description of how road improvements and ongoing maintenance attributable to the facility will be funded.

34-5-9. Fire Protection, Hazardous Materials, and Emergency Response Plan

The application shall include:

(1) fire-detection and fire-suppression systems for buildings, electrical rooms, battery energy storage systems, long-duration energy storage systems, fuel storage, and generation facilities;

(2) a hazardous-materials inventory, including fuel, coolant, battery materials, fire-suppression agents, cleaning agents, and other regulated materials;

(3) an emergency response plan addressing fire, explosion, hazardous-materials release, battery thermal runaway, fuel release, severe weather, seismic events, cyber-related operational disruption where relevant to physical response, and related events;

(4) written evidence that the plan has been reviewed by the fire agency with jurisdiction and by Tooele County Emergency Services;

(5) identification of additional fire-service capacity, apparatus, equipment, training, inspection, communications, water supply, access, or mutual-aid needs attributable to the facility and how those needs will be funded; and

(6) a process for periodic emergency drills or tabletop exercises if required by the Land Use Authority or fire agency with jurisdiction.

34-5-10. Economic and Fiscal Impact Analysis

The application shall include:

(1) projected permanent operations employment stated separately from construction employment, including wage ranges and job classifications where available;

(2) projected construction employment and anticipated duration;

(3) commitments regarding local hiring, apprenticeship, workforce training, vendor opportunities, or coordination with Tooele Technical College, local school districts, or other workforce partners, if any;

(4) all incentives, tax abatements, tax-increment participation, rebates, grants, discounted utility service, public infrastructure assistance, energy-excise-tax revenue sharing, RSDZ revenue, or other public financial participation requested or anticipated, identifying the proposed provider, source of funds, amount, duration, legal authority, and required separate approvals;

(5) a net fiscal impact analysis identifying projected public revenues and projected public capital and operating costs attributable to the facility over not less than 10 years, with assumptions and sensitivity ranges;

(6) identification of impacts on County services, special districts, school districts, utility providers, transportation agencies, or other public entities and the proposed method for addressing costs attributable to the facility;

(7) identification of whether the facility meets, or is expected to meet, the definitions of qualifying data center, large load customer, large load data center, and high-impact consumer, together with the factual basis for each preliminary classification;

(8) the estimated value of any state or local sales and use tax exemption claimed or anticipated for the facility, stated over not less than 10 years and identifying the assumptions used;

(9) if a county energy excise tax applies or may apply, the projected annual delivered value of energy and a schedule showing the assumed tax rate, gross tax collections, amounts required by state law to be deposited in or retained by a state account, amounts projected to be distributed to the County, amounts proposed to be dedicated or transferred to an RSDZ or provided as an incentive, and net revenue projected to remain available to the County, stated over not less than 10 years;

(10) a comparison of requested or anticipated public financial participation against projected property tax, county energy excise tax, and other public revenue and against projected public costs, presented so the County and public may evaluate net fiscal impact; ~~and~~

(11) a schedule of the principal applicant projections and commitments that will be compared with actual performance in annual public reporting, including electrical demand, water use, public financial participation, permanent employment, infrastructure obligations, and mitigation commitments; and

(12) a statement acknowledging that all tax classifications, exemption estimates, delivered-value estimates, RSDZ assumptions, and incentive assumptions are preliminary planning information and are subject to separate determinations and approvals under applicable law.

Formatted: Strikethrough

34-5-11. Environmental, Natural Resources, and Sensitive Lands Assessment

The application shall include:

- (1) existing site conditions, including topography, drainage, floodplain, wetlands if any, wildfire interface, geologic hazards, seismic constraints, soils, vegetation, and sensitive lands;
- (2) surveys or desktop analysis for sensitive wildlife, habitat, wildlife corridors, raptors, migratory birds, and other applicable natural resources;
- (3) projected impacts and proposed mitigation;
- (4) copies of federal or state environmental review documents prepared for the facility, if any; and
- (5) identification of any permits or approvals required from state or federal agencies.

34-5-12. Decommissioning and Site Restoration Plan

The application shall include:

- (1) the decommissioning and site restoration plan required by Section 34-11;
- (2) a decommissioning cost estimate prepared by a qualified professional acceptable to the County;
- (3) the proposed form of financial assurance; and
- (4) a schedule for decommissioning after abandonment, closure, or revocation.

34-5-13. Community Engagement and Public Information Plan

The application shall include:

- (1) a description of applicant outreach to adjacent property owners, affected residents, service providers, municipalities, special districts, and the public;
- (2) any public information meetings held or proposed by the applicant;
- (3) a proposed method for providing project information, application summaries, updates, and responses to common questions;
- (4) a process for receiving, tracking, responding to, and reporting public comments and complaints;
- (5) a method for notifying neighbors of operational changes, expansions, substantial modifications, construction impacts, emergencies, or incidents; and
- (6) a plan for maintaining a publicly available facility contact during construction and operation.

34-5-14. Co-Located Power Generation and Microgrid Supplement

The application shall include:

- (1) if co-located power generation or a microgrid is proposed, the applicant shall submit the additional information required by Section 34-8.

34-5-15. Protected Records and Public Version

The application shall include:

- (1) the applicant shall identify any record or portion of a record for which the applicant asserts protected status under GRAMA and shall provide a written basis for the claim;
- (2) the applicant shall provide a public version or public summary of the application sufficient to allow meaningful public review of the facility's location, scale, water use, power demand, infrastructure needs, reasonably anticipated impacts, mitigation measures, public costs, and requested approvals; and
- (3) the County shall classify and respond to records requests in accordance with GRAMA and County records policies.

34-5-16. RSDZ, Tax, and Incentive Coordination Supplement

If the application is within the RSDZ Overlay, is within a proposed or approved RSDZ, or includes a request for an incentive or public revenue participation, the application shall include:

- (1) the status and boundaries of the RSDZ or proposed RSDZ and the identity of the creating entity and community reinvestment agency;
- (2) the approved or proposed RSDZ proposal, committee-established terms, and RSDZ implementing documents applicable to the site, to the extent available and subject to GRAMA;
- (3) the amount, source, duration, and proposed use of any requested tax increment, personal property tax revenue, county energy excise tax revenue, zone revenue, infrastructure participation, rebate, or other incentive;
- (4) an explanation of how each requested incentive or revenue commitment is authorized under Title 11, Chapter 41, Part 2; Title 63N, Chapter 3a; Title 17C, Chapter 6; or other applicable law, recognizing that land use approval does not approve the incentive or revenue commitment.

(4)

34-5-17. Cumulative Impact and Data Center Campus Analysis

A large data center facility, a facility with a maximum coincident electrical demand of 100 megawatts or more, a facility with co-located power generation or a microgrid, and any facility that is part of a data center campus shall submit a cumulative-impact analysis. The analysis shall:

(1) identify existing data center facilities, approved but unbuilt data center facilities, and complete pending data center applications that use or may use the same water source, electrical service area, transportation corridor, air basin, emergency-response system, or other materially affected infrastructure or service area;

(2) evaluate cumulative water demand, electrical and transmission infrastructure, noise, air emissions, traffic, road wear, visual impacts, hazardous-material and fire risk, emergency-service demand, wastewater, stormwater, and public capital and operating costs;

(3) identify shared infrastructure, remaining capacity, capacity constraints, overlapping construction schedules, and measures needed to avoid disproportionate impacts on residents, existing utility customers, public services, and adjacent uses;

(4) include maps, assumptions, data sources, and separate results for the proposed phase and full build-out; and

(5) be updated before approval of a later phase or substantial modification when cumulative conditions have materially changed.

34-5-18. Thermal Impact and Heat Mitigation Study

A thermal impact and heat mitigation study is required for large facilities and any facility with co-located generation or a microgrid: identification of each waste heat source and rejection method, with total design heat rejection at full build-out; a qualified professional's assessment of off-site thermal effects — heat plume behavior and localized temperature increase at the property line and nearest residences — under summer design conditions and continuous operating assumptions; site-design measures (roof and hardscape reflectivity, shading, impervious-area minimization, preserved vegetation); an evaluation of waste-heat reuse opportunities with reasons any option is infeasible; and a post-construction verification protocol where the facility is near homes or other sensitive receptors.

34-6. Development Standards.

(1) **Setbacks.** A data center facility building, co-located power generation facility, energy storage system, substation, switchyard, or similar high-impact support facility shall be set back not less than 500 feet from the property line of a residentially zoned or residentially used parcel and not less than 100 feet from any other property line or public right-of-way. A hyperscale data center facility, or a facility that includes co-located power generation or a microgrid, shall be set back not less than 1,000 feet from the property line of a residentially zoned or residentially used parcel. Setbacks are measured from the exterior wall or equipment perimeter of the regulated building or facility to the applicable property line. Security

Formatted: Font: (Default) Calibri, Bold, Font color: Blue

Formatted: Font: (Default) Calibri, Bold

Formatted: Font: (Default) Calibri, Font color: Blue

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri, Font color: Blue

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri, Font color: Blue

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri, Font color: Blue

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri, Font color: Blue

Formatted: Font: Bold

Formatted: Font: (Default) Calibri, Bold

Formatted: Font: Not Bold

fencing, landscaping, stormwater facilities, access drives, and underground utilities may be located within a setback if otherwise permitted and if they do not defeat the purpose of the setback.

(2) Height. No building or structure shall exceed 60 feet in height unless a different maximum height is allowed in the underlying zone and the Land Use Authority finds that increased height will not create an unmitigated visual, lighting, emergency access, fire protection, or compatibility impact. Incidental rooftop equipment may exceed the height limit only as allowed by the Land Use Code and shall be screened in accordance with this Chapter.

(3) Site coverage and impervious area. The facility shall comply with the maximum lot coverage, and impervious area standards of the underlying zoning district. If the underlying district does not establish a numerical standard, site coverage shall be limited by compliance with adopted stormwater, drainage, fire-access, emergency-circulation, landscaping, screening, and setback requirements. The applicant shall demonstrate, through the approved drainage and site plans, that the impervious area will not create an unmitigated off-site drainage or flood impact.

(4) Screening and landscaping. The perimeter of the site shall be screened from existing or planned public rights-of-way and adjacent residential, agricultural, recreational, and sensitive land uses by a combination of drought-tolerant landscaping, preserved vegetation, earthen berms, walls, fencing, and architectural treatments. At installation or at the stated maturity date in the approved landscape plan, screening shall obscure direct ground-level view of generators, transformers, substations, switchyards, energy storage units, mechanical yards, loading areas, and refuse areas from the identified viewing locations, except at required access and ventilation openings. The approved landscape plan shall state the installation height, expected mature height, spacing, irrigation method, replacement standard, and maintenance responsibility for plant materials.

(5) Building design; principal façade standards. Exterior building facades shall reduce the appearance of large, uninterrupted blank walls. This Subsection applies to each principal façade, meaning a façade that faces an existing or planned public right-of-way; an adjacent parcel that is residentially zoned, residentially used, or approved for residential development; or an adjacent parcel containing an existing or approved school, day care, park, recreational facility, religious assembly, cemetery, community center, civic use, or agritourism use. A principal façade visible from an adopted scenic corridor or gateway shall comply with the same standards. (Refer to Figure 34-6-1.)

(a) Differentiated surfaces. Each principal façade shall incorporate, at horizontal intervals no less frequent than every 150 horizontal linear feet or three times the average height of the building, whichever interval is shorter: (i) fenestration or an approved green-wall treatment; and (ii) a change in at least one of the following design elements: building material, pattern, texture, color, or accent materials.

(b) Fenestration and fenestration-like treatments. Fenestration or fenestration-like architectural treatments shall comprise not less than 30 percent of the total surface area of each principal façade. Qualifying treatments include glazing, translucent panels, framed recessed panels, louvers, articulated equipment screens, or other façade elements that create the appearance, depth, and rhythm of window openings. Treatments shall be provided in separated placements or clustered bays, no one of which may count toward more than 7.5 percent of the total façade area; shall be distributed horizontally and vertically; and shall be compatible with the façade design and materials.

(c) Green-wall alternative. A green-wall treatment may substitute for up to one-half of the required fenestration or fenestration-like coverage only if the applicant submits a water budget, species list, irrigation and drainage plan, replacement standard, and long-term maintenance plan demonstrating suitability for the Tooele County climate. Drip irrigation and drought-tolerant species are required, and reclaimed or other non-potable water shall be used where lawfully available and

technically feasible. Failure to maintain the green wall requires replacement with a compliant architectural treatment or restored vegetation.

(d) Main entrance feature. Each data center building shall include at least one main entrance feature that projects or recesses from the main building plane, or is differentiated from the remainder of the façade by a change in building material. The main entrance feature shall incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, drought-tolerant ornamental grasses, or herbaceous perennials along not less than 50 percent of the length of the entrance façade or, in the alternative, required buffer and parking-area landscaping elsewhere on the site shall be provided at a rate of 20 percent more plant units than otherwise required.

(e) Mechanical equipment façade alternative. Where principal-façade standards apply to two opposing sides of a building, one façade facing an existing or planned public right-of-way may be designed as a mechanical-equipment façade if the equipment is screened from ground-level view from public rights-of-way and adjoining parcels using mesh, lattice, cladding, grillwork, or similar materials that permit required ventilation, and the façade and screening comply with the differentiated-surface intervals in paragraph (a).

(f) Consistent design. Where a building has more than one principal façade, the principal façades shall be consistent in design, materials, details, and treatment.

Figure 34-6-1. Data Center Building Design and Site Design Standards (Illustrative)

Illustrative only; ordinance text controls. Adapted from the facade and site design framework of Loudoun County, Va. Zoning Ordinance § 4.06.02 and Figure 4.06.02-1.

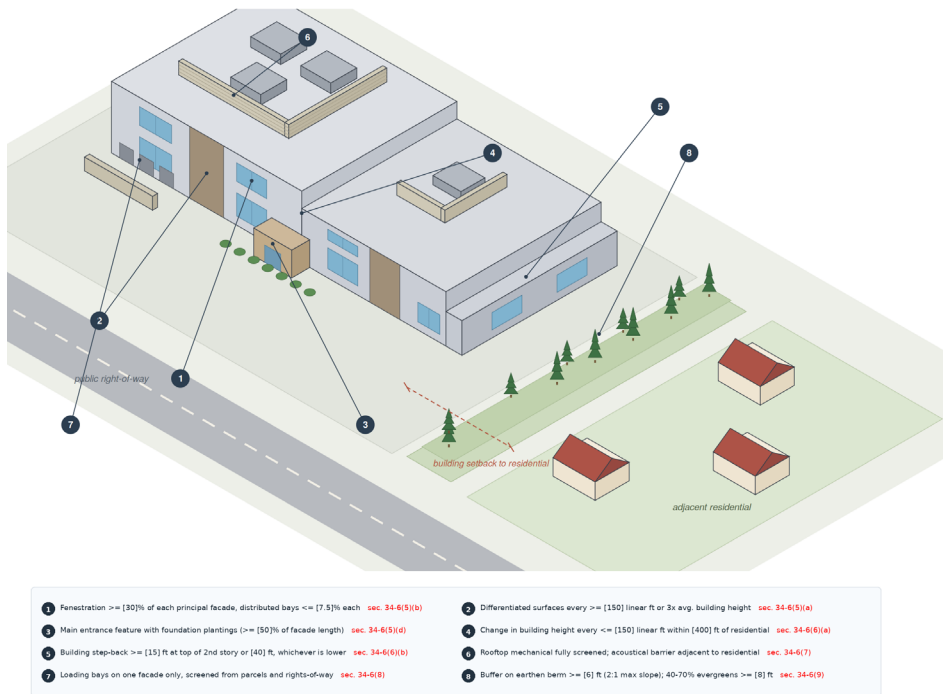


Figure 34-6-1. Illustrative depiction of building design and site design standards under Subsections 34-6(5) through 34-6(9). In the event of any conflict between this figure and the text of this Chapter, the text controls.

(6) Building massing adjacent to residential. Where any portion of a data center building is located within 400 feet of the property line of a residentially zoned or residentially used parcel, or a parcel approved for residential development, including where a public road separates the parcels, each building façade facing the residential parcel shall: (a) include a change in building height at horizontal intervals no less frequent than every 150 horizontal linear feet or three times the average height of the building, whichever interval is shorter; and (b) provide a step-back of not less than 15 feet from the plane of the building wall, beginning at the top of the second story of the building or at 40 feet in height, whichever is lower. (Refer to Figure 34-6-1.)

(7) Mechanical equipment location and screening. All ground-level and rooftop mechanical equipment shall be shown on the site plan and screened on all sides by materials compatible with the nearest principal façade. Screening may use perforated or louvered surfaces only to the extent needed for ventilation. Ground-mounted mechanical equipment may not be located in a required front yard and, where adjacent to residentially zoned or residentially used property, shall be located behind a principal building or at the side of the building farthest from the residential property unless the site plan demonstrates equivalent distance and acoustic attenuation. Exterior mechanical equipment adjacent to residential property shall include an acoustical barrier designed by a qualified acoustical professional to achieve the noise limits in Section 34-7. Screening from existing or planned public rights-of-way is required in all cases.

(8) Loading bays and refuse collection areas. Loading bays shall be located on only one façade of each building, shall not face a residentially zoned or residentially used parcel unless the Land Use Authority finds that no other location is feasible and enhanced screening is provided, and shall be screened from ground-level view from all adjacent parcels and existing or planned public rights-of-way. Refuse collection areas shall be fully screened on all sides by a permanent enclosure.

(9) Berms, buffer plantings, and parking setbacks adjacent to residential. Where the site is adjacent to a residentially zoned or residentially used parcel, or a parcel approved for residential development, including where separated by a public road, the following apply along the common or facing property line: (a) the perimeter buffer shall be located on an earthen berm not less than 6 feet in height with side slopes no steeper than 2:1, unless a certified sightline exhibit demonstrates that existing topography provides equal or greater screening; (b) buffer plantings shall consist of not less than 40 percent and not more than 70 percent evergreen trees not less than 8 feet in height at planting, not more than 30 percent large deciduous trees, not more than 30 percent small deciduous trees, and not more than 20 percent shrubs, drought-tolerant ornamental grasses, and perennials, using species suited to Tooele County climate and water conditions; (c) parking shall be set back not less than 50 feet from the property line and shall be screened from ground-level view by preserved vegetation, topography, or a professionally designed combination of berm, opaque fence or wall, and plantings shown on a certified sightline exhibit; (d) berms and fences shall be designed for drainage, erosion control, wind loading, fire access, and maintenance; and (e) preserved vegetation and topography may substitute where the Community Development Department determines from the submitted sightline exhibit that the substitution provides screening of equivalent density, depth, and height. (Refer to Figure 34-6-1.)

(10) Substations and transmission infrastructure. Substations, switchyards, transmission infrastructure, and utility corridors serving the facility shall be located on the site or on adjacent land included in the application to the extent practicable and within the applicant's ownership or control. Such facilities shall meet applicable setbacks, screening, fencing, access, safety, and emergency response requirements.

(11) Access and circulation. The site shall provide safe and adequate access for employees, contractors, deliveries, emergency responders, fire apparatus, maintenance vehicles, fuel delivery, oversize loads, and utility service vehicles. Access shall be designed to avoid unnecessary impacts on residential streets, school routes, agricultural operations, and local roads not designed for heavy industrial traffic.

(12) Stormwater, grading, and drainage. The facility shall comply with applicable County stormwater, grading, drainage, erosion control, and floodplain standards. The applicant shall demonstrate that runoff from roofs, parking areas, equipment yards, utility corridors, and impervious areas will be managed without creating adverse downstream impacts.

(13) Construction management. Before construction, the applicant shall submit a construction management plan addressing phasing, work hours, dust control, haul routes, staging areas, road protection, traffic control, noise, lighting, emergency access, worker parking, temporary utilities, public communication, and complaint response.

(14) Conditions tied to phases. The Land Use Authority may require infrastructure improvements, monitoring, mitigation, financial assurance, service agreements, or updated studies before a later phase may commence if the need for those measures is tied to the impacts of that phase.

(15) Heat-island mitigation. Site design shall minimize heat-island effects through light-colored or shaded hardscape, minimized impervious area, preserved vegetation, and landscaping; heat-rejection equipment shall be oriented or shielded to direct discharge away from adjacent residences where feasible; and the Land Use Authority may impose conditions implementing the approved thermal study.

Formatted: Font: Bold

34-7. Operational Performance Standards.

(1) Noise. A data center facility shall not produce sound exceeding 50 dBA Leq at the sending property line during any 15-minute measurement period or 45 dBA Leq at the nearest noise-sensitive receptor during nighttime hours. Measurements shall be made under representative operating conditions with an integrating sound-level meter meeting the applicable ANSI performance standard, using documented weather conditions, microphone location, background-sound correction, and calibration. Compliance testing shall evaluate representative worst-case conditions, including maximum cooling demand and simultaneous operation of major mechanical and electrical equipment. The approved noise study shall include both dBA and dBC measurements and one-third-octave-band analysis sufficient to identify tonal, low-frequency, narrow-band, or impulsive components. If a tonal or impulsive component is identified under an applicable ANSI method, a 5 dBA penalty shall be added to the measured level for compliance. If the measured dBC level exceeds the measured dBA level by 20 decibels or more at a noise-sensitive receptor, the operator shall implement the low-frequency mitigation measures identified in the approved noise study and demonstrate compliance through follow-up monitoring.

(2) Post-construction and periodic verification. Compliance with the approved noise limits shall be verified by the post-construction noise study required under Section 34-10. If ~~post-construction~~ monitoring identifies an exceedance or a distinctive noise component requiring mitigation, the operator shall implement corrective measures and submit follow-up verification within the timeframe specified by the County. ~~For a facility that includes a baseload generation source or microgrid, the post-construction study shall verify compliance under continuous operating conditions. A large data center facility shall obtain independent noise verification at least once every three years and within 90 days after a substantial modification affecting cooling, mechanical coincident electrical demand of 100 megawatts or more, a baseload generation source, or a microgrid shall install and maintain at least one permanent Class 1 sound monitor at a representative compliance location identified in the approved noise study and shall provide quarterly public summaries of monitoring results.~~

Formatted: Strikethrough

Formatted: Strikethrough

(3) Exterior lighting. Exterior lighting shall use full-cutoff, shielded fixtures directed downward; shall be limited to the minimum level necessary for safety, security, and operations; and shall not cause

illumination exceeding 0.1 foot-candle at a property line, measured at grade on a vertical plane, including security lighting. Lighting shall be reduced or curtailed during nighttime hours to the extent consistent with safety and security. Emergency lighting may exceed the limit only during an emergency or required testing. The photometric plan shall identify fixture output, mounting height, shielding, controls, and maximum property-line illumination.

(4) **Water conservation and source limits.** A closed-loop or air-cooling system is required unless the applicant demonstrates through a life-cycle water and energy analysis that an open-loop or evaporative system: (a) incorporates practicable reuse, reclaimed-water, non-potable-water, blowdown-recovery, leak detection, and leak-detection metering measures; and (b) achieves the approved annual, peak-month, and peak-day water-use limits. Reclaimed or other non-potable water shall be used where lawfully available, technically feasible, and approved by the applicable provider and regulatory agency. Culinary or potable drinking water shall not be used for cooling at a data center facility except to the extent the applicant demonstrates that no reclaimed or other non-potable supply is lawfully available and technically feasible, in which case the Land Use Authority may approve the minimum potable use necessary, subject to the source-specific water-use limits and conservation measures of this Subsection. The operator shall maintain separate meters for material water uses, report water use by source at least quarterly, notify the County promptly of a material leak or limit exceedance, and may not substitute or materially increase an approved water source without County review under Section 34-13.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

(5) **Drought-contingency water curtailment.** The applicant shall submit, and the operator shall implement, a drought response plan that provides for staged reductions in the facility's consumptive water use when a drought stage is declared by the State of Utah, Tooele County, or the water provider serving the facility. The plan shall identify the operational measures available at each drought stage and the maximum reduction in consumptive water use achievable at each stage without compromising life-safety or fire-protection systems. The Land Use Authority may impose conditions of approval implementing the drought response plan, and the operator shall report drought-stage curtailment actions in the annual compliance report under Section 34-10.

(6) **Air emissions and generators.** All generators, turbines, engines, and other emission sources shall comply with applicable federal and state emission standards and permits. A backup generator shall use the highest emissions-control tier or certification applicable to the engine category and intended stationary use that is commercially available at the time of permit issuance, unless the Utah Division of Air Quality approves or requires a different configuration. A baseload combustion source shall use the control technology required by the applicable air-quality permit and any additional control supported by site-specific modeling and a County finding that the condition is within County authority and reasonably necessary to mitigate a land-use impact. Routine, non-emergency generator testing shall comply with the approved testing plan and applicable air permit. On a site adjacent to residentially zoned or residentially used property, routine testing is allowed only from 7:00 a.m. to 5:00 p.m. from May 1 through September 30 and from 11:00 a.m. to 5:00 p.m. from October 1 through April 30. Except during commissioning approved in the testing plan, the operator shall not test multiple generator units simultaneously when sequential testing is technically feasible. The operator shall post the routine testing schedule on the facility and County project pages and provide at least 48 hours' notice of testing expected to be audible at a noise-sensitive receptor. Except for commissioning and routine testing, backup generators may operate only during emergency operation. Continuous operation of a baseload generation source shall comply with the noise limits in Subsection 1 at all hours.

(7) **Energy storage systems.** Energy storage systems shall comply with the State Construction Code, State Fire Code, County-adopted fire code, and the editions of NFPA 855 or successor standards incorporated into those codes. Where applicable to the technology and installation, the applicant shall provide evidence of UL 9540 listing and UL 9540A or equivalent fire-propagation testing. The system shall comply with the manufacturer's requirements for separation distances, monitoring, ventilation, fire-

suppression, emergency response, and decommissioning. The Land Use Authority may impose an increased separation distance or additional monitoring only when supported by the site-specific fire and hazard analysis and reasonably related to proximity to occupied buildings, public rights-of-way, or sensitive receptors. Non-lithium-ion and long-duration technologies shall comply with the adopted codes and nationally recognized standards applicable to the specific technology.

(8) Vibration. A data center facility shall not produce vibration at or beyond the sending property line that exceeds an applicable County standard. If no County numerical standard applies, the applicant's vibration study shall identify a nationally or internationally recognized standard appropriate to the receptor and equipment, establish the compliance threshold before approval, and demonstrate compliance after construction. Construction vibration shall be addressed in the construction management plan.

(9) Odor, dust, and visible emissions. The facility shall not create persistent odor, dust, smoke, or visible emissions beyond the property line except as allowed by applicable permit and law. Construction dust shall be controlled in accordance with the approved construction management and dust control plans.

(10) Hazardous materials. Hazardous materials, fuel, batteries, coolants, fire-suppression agents, and similar materials shall be stored, handled, reported, and disposed of in accordance with applicable law, fire code, hazardous materials requirements, and conditions of approval. Liquid fuels and hazardous liquids shall be provided with secondary containment sized in accordance with applicable law and the approved fire and hazard analysis. The operator shall maintain an updated hazardous-materials inventory and provide non-protected information to emergency responders and in the annual compliance report.

(10)(11) Incident reporting. The operator shall immediately notify emergency responders of an active emergency and shall notify Tooele County Emergency Services and the Community Development Department as soon as practicable, but not later than one hour after a fire, explosion, battery thermal-runaway event, hazardous-material release, significant fuel spill, reportable air-permit event, extended emergency generator operation affecting surrounding properties, or incident that materially affects public infrastructure or off-site safety. The operator shall submit a preliminary written report within 24 hours and a final incident and corrective-action report within 10 business days, unless the County approves additional time for good cause. The County shall publish a non-protected public summary. A significant incident may require an after-action review and additional emergency exercise

(11)(12) Operational changes. The operator shall notify the County before implementing any operational change that may materially affect approved water use, power demand, emissions, generator testing, noise, traffic, emergency response, hazardous materials, lighting, or other regulated impacts. A substantial modification requires review under Section 34-13.

(12)(13) Demand response and grid resilience. For a large or hyperscale data center facility, or a facility that includes co-located generation or a microgrid, the Land Use Authority may require implementation of demand-response, load-shifting, curtailment, or grid-emergency commitments that the applicant offers, required or approved by the serving utility, or included in an applicable tariff or service agreement, when the condition is technically feasible and reasonably related to a documented land-use, infrastructure, or emergency-response impact. The County shall not establish utility rates, service classifications, capacity charges, interconnection terms, dispatch requirements, or other matters reserved to the Public Service Commission, the serving utility, or another agency with jurisdiction.

34-8. Co-Located Power Generation and Microgrids.

(1) Applicability. This Section applies to any electrical generation facility developed on or adjacent to a data center site primarily to serve the data center facility, whether generation is dedicated to the facility, supports the electrical grid, or serves both purposes, and to any microgrid serving a data center facility, whether or not the microgrid is interconnected to the regional electrical grid.

Formatted: No underline, Font color: Auto

(2) Additional submittal requirements. An application that includes co-located power generation or a microgrid shall identify the generation technology, fuel type, fuel source, design capacity, operating profile, water demand, emissions profile, noise profile, safety systems, site layout, transmission interconnection, fuel delivery method, waste stream, if any, emergency response needs, permits required from state and federal agencies, and the status of each permit.

(3) Nuclear generation supplement. For nuclear generation, the application shall identify the status of licensing by the United States Nuclear Regulatory Commission, the applicable public docket or licensing process, the general technology type, site layout, emergency planning coordination, non-radiological land use impacts, transportation and access needs, infrastructure needs, and the agencies with jurisdiction. The application shall additionally identify:

(a) the reactor technology category (light-water small modular reactor, advanced non-light-water reactor including gas-cooled, liquid-metal-cooled, or molten-salt reactor, microreactor, or other), and the reactor vendor and design if known;

(b) the fuel type and enrichment level, including whether the design uses low-enriched uranium at no more than 5 percent enrichment or high-assay low-enriched uranium (HALEU) at enrichment up to 20 percent;

(c) the projected volume, classification, and physical form of spent nuclear fuel and other radioactive waste streams generated over the design operating life of the facility, and a comparison to the waste streams of traditional light-water reactors where applicable;

(d) the on-site spent-fuel and radioactive-waste storage plan, including the storage method (wet or dry cask), the footprint and location of the storage area on the site plan, the proposed duration of on-site storage, and the contingency plan if no federal repository or interim consolidated storage facility becomes available during the operating life of the facility;

(e) the transportation plan for fresh fuel deliveries and any spent-fuel shipments, including expected routes, frequency, vehicle types, and coordination with the Utah Department of Transportation, the Utah Highway Patrol, and Tooele County Roads and Emergency Services;

(f) documentation of coordination with the United States Nuclear Regulatory Commission, the Federal Emergency Management Agency, the Utah Division of Radiation Control or successor agency, and any local agencies designated in the facility's radiological emergency response plan; and

(g) identification of any host community benefit agreement, payment-in-lieu-of-taxes arrangement, or other lawful agreement proposed between the applicant and the County, the State, or any local taxing entity.

Nothing in this Subsection authorizes the County to regulate radiological safety, nuclear licensing, fuel enrichment, spent-fuel handling, or any matter reserved to the United States Nuclear Regulatory Commission or another federal or state agency with exclusive jurisdiction. The disclosures required by this Subsection are required to support the County's land use review, including site compatibility, local infrastructure, transportation, emergency response coordination, and host community impact.

(4) Application of standards. Co-located power generation and microgrid components are subject to all applicable development and operational standards of this Chapter, including setbacks, noise, lighting, traffic, emergency response, air emissions, hazardous materials, construction management, annual reporting, decommissioning, and financial assurance.

(5) Emergency planning. The applicant shall coordinate emergency planning for the generation facility or microgrid with the fire agency having jurisdiction, Tooele County Emergency Services, law enforcement, public works, the County Health Department where applicable, and any state or federal agency with jurisdiction. For nuclear generation, emergency planning coordination shall include agencies

having jurisdiction over radiological emergency planning, while recognizing federal preemption and agency authority.

(6) Utility and public cost impacts. The application shall identify whether generation, transmission, substations, fuel delivery, emergency-response capacity, water supply, wastewater disposal, road improvements, or other infrastructure will require public participation, utility-customer funding, County or special-district service expansion, or intergovernmental coordination. The analysis shall distinguish matters governed by utility regulation from land-use impacts within County authority and shall identify how costs attributable to the facility will be addressed under applicable law.

(7) Microgrid review. Where the application includes a microgrid, each component of the microgrid — including each baseload generation source, each backup generation source, each energy storage system, each substation or switchyard, each fuel storage and delivery facility, and each emissions control system — shall be identified, located on the site plan, and individually evaluated against the applicable development standards of Section 34-6, operational performance standards of Section 34-7, submittal requirements of Section 34-5, and decommissioning requirements of Section 34-11. The combined and cumulative impacts of all microgrid components shall be evaluated together. A microgrid component shall not be reviewed as an accessory use exempt from this Chapter and shall not be segmented from the application.

(8) Islanded operation disclosure. The application shall identify whether the microgrid is designed to operate, or is capable of operating, in islanded mode; the conditions under which islanded operation is anticipated; and the duration the microgrid can sustain operation without grid interconnection. The Land Use Authority may impose conditions reasonably necessary to ensure that islanded operation does not increase noise, emissions, fuel storage, water use, or emergency response impacts beyond the limits approved under this Chapter.

(9) Separate utility and tax jurisdiction. Review under this Section does not authorize the County to regulate utility rates, electrical dispatch, interconnection terms, tax liability, delivered value, or matters reserved to the Public Service Commission, the Utah State Tax Commission, the Nuclear Regulatory Commission, or another agency with exclusive jurisdiction. The County may require information and impose conditions only to the extent reasonably related to land use, local infrastructure, access, non-radiological impacts, emergency coordination, and compliance with adopted County standards.

34-9. Notice, Public Hearing, Public Information, and Decision.

(1) Notice of complete application. After an application is determined to be complete, the County shall provide notice as required for a conditional use permit and as further required by this Chapter.

(2) Enhanced mailed notice. For a standard data center facility, mailed notice shall be given to property owners within 1,000 feet. For a large data center facility, mailed notice shall be given to property owners within 2,500 feet of the site. For a hyperscale data center facility that includes co-located power generation or a microgrid, mailed notice shall be given to property owners within .05 mile of the site. The Community Development Director may extend the notice area only when a submitted technical study identifies a reasonably anticipated off-site impact that extends beyond the standard radius, and the written notice decision shall identify the study and impact that support the extension.

(3) Additional notice methods. For a large or hyperscale data center facility, any facility with co-located power generation, or any facility with a microgrid, the County shall also provide notice by posting on the County website, posting on the Utah Public Notice Website when required by law, posting on or near the subject property where practicable, and notice to affected municipalities, school districts, special districts, water providers, sewer providers, fire authorities, transportation agencies, utility providers, and other reviewing agencies identified by the County.

(4) Public information materials. For a large or hyperscale ~~each~~ data center facility, any facility with co-located power generation, or any facility with a microgrid, the County shall make available a public

Formatted: Strikethrough

information summary, staff report, hearing materials, application materials not classified as protected, written comments, and the written decision, subject to GRAMA and County records policies.

(5) Applicant public information meeting. Before the public hearing on a large or hyperscale data center facility, a facility with co-located power generation, or a facility with a microgrid, the applicant shall hold at least one public information meeting. The meeting is informational and does not replace a public hearing required by this Chapter or other law. The applicant shall provide notice and a written meeting summary in the manner specified by the Community Development Department.

(6) Public hearing. At least one public hearing shall be held before final action on ~~a large or hyperscale~~ every data center facility, any data center facility that includes co-located power generation, or any data center facility that includes a microgrid. Members of the public may speak and submit written comments. Public comments shall be included in the record, but the Land Use Authority shall base its decision on adopted standards and substantial evidence.

Formatted: Strikethrough

(7) Response to public comments. For a large or hyperscale data center facility, a facility with co-located power generation, or a facility with a microgrid, the Community Development Department shall prepare a written summary of the substantive public comments received and the County's response to each category of comment. The summary shall be included in the record and published with the staff report before the Land Use Authority takes final action. This requirement is informational and does not alter the standard of decision, which remains based on adopted standards and substantial evidence.

(8) Written staff report. The Community Development Department shall prepare a written staff report addressing application completeness, applicable standards, reviewing agency comments, public comments, technical review, recommended findings, recommended conditions, and any unresolved issues.

(9) Public information and protected records. Applications, public summaries, staff reports, hearing materials, written decisions, and information material to the County's land use decision are public records unless classified otherwise under the Utah Government Records Access and Management Act. The County shall not enter into any agreement that conceals the existence of an application, the identity of the applicant or property owner, the general nature of the proposed use, or information necessary for the Land Use Authority to make required findings. An applicant may submit a written GRAMA confidentiality claim for specific records or portions of records the applicant believes are protected by law. The applicant shall also provide a public, non-confidential summary sufficient to allow meaningful public review of the application and its impacts.

(10) Findings for approval. The Land Use Authority shall approve or approve with conditions a data center facility if it finds, based on substantial evidence in the record, that the application satisfies the findings in Subsection 11 of this Section.

(11) Required findings. The Land Use Authority shall make written findings addressing each of the following:

(a) the application is complete, and the proposed use is allowed in the applicable zoning district under this Chapter;

(b) the proposed facility complies with the development standards, operational performance standards, and submittal requirements of this Chapter, or compliance can be assured through reasonable conditions of approval;

(c) the applicant has demonstrated an adequate and legally available water supply, wastewater method, electrical service plan, road access, fire protection, and emergency response plan for the facility, or has agreed to conditions requiring such facilities before construction or operation;

(d) reasonably anticipated detrimental effects relating to noise, light, traffic, air emissions, vibration, visual impacts, water demand, wastewater, emergency services, public infrastructure, hazardous materials, waste heat discharge, cumulative impacts, and construction impacts can be

substantially mitigated through compliance with this Chapter and reasonable conditions of approval;

(e) required infrastructure improvements, service impacts, inspection requirements, monitoring obligations, and public costs attributable to the facility have been identified and addressed through conditions of approval, an improvement agreement, development agreement, reimbursement agreement, impact fee, service agreement, participation agreement, or other lawful mechanism;

(f) the application includes sufficient public information to allow the County and the public to understand the facility's location, scale, reasonably anticipated impacts, mitigation measures, and requested approvals;

(g) the facility complies with applicable County land use regulations, site development standards, road standards, fire code requirements, public works standards, and other adopted standards within the County's jurisdiction; and

(h) all conditions of approval are reasonably related to mitigating reasonably anticipated detrimental effects of the proposed use or ensuring compliance with adopted standards; and

(i) where the facility is within the RSDZ Overlay, and an RSDZ has been approved, the facility is consistent with the approved RSDZ proposal, committee-established terms, and applicable RSDZ implementing documents, or consistency can be assured through lawful conditions or separate agreements; and

(j) fiscal and tax disclosures have been reviewed for infrastructure and service planning, but the land use decision does not determine tax classification, exemption eligibility, delivered value, RSDZ approval, or entitlement to an incentive; and

(k) to the extent within the County's authority to require disclosure, the costs of new generation, transmission, distribution, substation, and related infrastructure attributable to the facility have been identified and allocated so as not to shift those costs to existing utility customers, recognizing that utility rates, tariffs, and cost recovery are matters reserved to the Public Service Commission and the serving utility;

~~(l) the applicant has disclosed related facilities, ownership and control, utility-service requests, and supporting infrastructure sufficient for the County to determine that the proposed facility and data center campus will remain below the mega data center threshold at full build-out; and~~

~~(m) where a cumulative-impact analysis is required, cumulative infrastructure, service, and land-use impacts have been identified and can be mitigated through adopted standards, reasonable conditions, or other lawful mechanisms.~~

Formatted: Strikethrough

(12) Approval with conditions. The Land Use Authority may impose reasonable conditions that are necessary to ensure compliance with this Chapter, mitigate reasonably anticipated detrimental effects, require infrastructure or service commitments, require monitoring and reporting, protect public health and safety, or ensure compliance with other applicable County standards.

(13) Denial. If the Land Use Authority cannot make the required findings and determines that reasonably anticipated detrimental effects cannot be substantially mitigated by reasonable conditions, it shall deny the application and state the reasons for denial in writing.

(14) Continuance. The Land Use Authority may continue an application to allow the applicant to address deficiencies, provide additional information, complete the technical review, revise mitigation measures, negotiate lawful agreements, or respond to the reviewing agency's comments.

34-10. Conditions of Approval, Monitoring, Reporting, and Enforcement.

(1) Conditions of approval. Conditions may include limits on approved power demand, water use, cooling method, generator testing, operating procedures, construction hours, access routes, traffic

management, lighting, noise, screening, emergency response, hazardous materials, infrastructure improvements, phasing, financial assurance, annual reporting, complaint response, independent monitoring, inspection, implementation of applicant or utility demand-response commitments, microgrid operating protocols, islanded-operation limits, or other matters reasonably related to adopted standards or mitigation of reasonably anticipated detrimental effects. A land use condition may not establish a tax, approve an incentive, commit RSDZ revenue, set a utility rate or tariff, or require a matter reserved to another agency.

(2) **Conditions precedent.** The Land Use Authority may require specified conditions to be satisfied before grading, issuance of a building permit, issuance of a certificate of occupancy, commencement of operations, expansion, or later phases.

(3) **Post-construction noise verification.** Within 90 days after the facility or approved phase commences operations, the operator shall submit a post-construction noise study prepared by a qualified acoustical professional demonstrating compliance with Section 34-7 under representative worst-case operating conditions. If the study identifies an exceedance or distinctive noise component requiring mitigation, the operator shall implement corrective measures and submit a follow-up study within the timeframe specified by the County. ~~For a facility that includes a baseload generation source or microgrid, the post-construction study shall verify compliance under continuous operating conditions. The operator shall complete periodic and permanent-monitoring requirements established by Section 34-7.~~

(4) **Annual compliance report.** The operator of ~~a large or hyperscale~~ every data center facility, ~~a facility with co-located power generation, or a facility with a microgrid~~ shall submit an annual compliance report. The report shall include, to the extent applicable, actual water use by source and approved limit; wastewater generation and disposal; peak, ~~and average~~, maximum coincident electrical demand; changes in data center campus relationships, energy-delivery meters, ~~or points-of-delivery~~, ownership, or tenant configuration; generator testing hours; generator emergency runtime; baseload generation operating hours and fuel use; air-permit compliance status; noise ~~monitoring results~~, lighting, traffic, dust, vibration, water, and ~~traffic~~ other complaints and their resolution; hazardous-materials inventory updates; emergency incidents; fire-system inspection status; current employment; ~~ownership or operator changes~~; status of infrastructure obligations, mitigation measures, and financial assurance; status of applicant or utility demand-response commitments; and confirmation of compliance with conditions of approval. Information claimed as protected shall be submitted with a public summary under Section 34-5-15. The operator shall also submit a public, plain-language annual summary, suitable for posting on the County website, that reports actual water use compared to the approved water-use limits and identified by source type; actual peak and average electrical demand; backup-generator operating hours; the number and resolution of noise, lighting, and traffic complaints; and actual operations employment compared to the employment projected in the approved application. The County shall post the public annual summary on the County website. The County may provide non-protected portions of the annual compliance report to entities administering the Tooele County Energy Excise Tax Ordinance, ~~to the serving utility where reasonably necessary for infrastructure coordination, or to an agency administering an approved RSDZ,~~ subject to GRAMA and other applicable confidentiality requirements.

(5) **Small facility reporting.** The Land Use Authority may require annual or periodic compliance reporting for a small data center facility where necessary to verify compliance or mitigate site-specific impacts.

(6) ~~Designated contact and~~ **County-controlled complaint process.** The operator shall designate a responsible contact person available to the County at all times. The County shall ~~and~~ maintain a publicly available process for receiving and resolving complaints regarding noise, light, traffic, dust, vibration, air emissions, water use, construction impacts, emergency incidents, or other effects of the facility. Complaints and their resolution shall be summarized in the annual compliance report.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

(7) Additional monitoring. The County may require additional monitoring, testing, reporting, or independent verification if the County receives credible complaints, identifies a potential violation, determines that operations have materially changed, or determines that additional information is reasonably necessary to verify compliance with this Chapter or conditions of approval. The operator shall reimburse the County's actual, reasonable cost when testing identifies a violation, when the operator failed to provide required monitoring data, or when repeated credible complaints reasonably justify independent verification, as provided in Section 34-14.

~~(7)~~

(8) Inspection. The County may inspect the facility for compliance with this Chapter and the conditions of approval at reasonable times and in accordance with applicable law. The County may coordinate inspections with the fire agency having jurisdiction, public works, emergency services, the health department, building officials, code enforcement, or other agencies with jurisdiction.

(9) Notice of violation; and correction opportunity to cure. If the County determines that the facility is not in compliance with this Chapter, a condition of approval, an approved limit on electrical demand, water use, or another regulated impact, required reporting, financial assurance requirements, or an approved mitigation plan, the County ~~may~~ shall issue a written notice of violation to the facility operator and property owner, requiring corrective action within a specified time. The County may require interim measures, as necessary, to protect public health, safety, infrastructure, or adjacent uses. The notice shall identify each violation and the provision or condition violated, state the corrective action required, and establish a reasonable cure period not to exceed 30 days, unless the County extends the period in writing for a correction that cannot reasonably be completed within 30 days and the operator is proceeding diligently. The County may require immediate interim measures during the cure period as necessary to protect public health, safety, public infrastructure, or adjacent uses. A first violation corrected within the cure period may be resolved without civil penalty, except that the safe harbor does not apply to a knowing or concealed violation, operation above an approved limit, a materially false report, failure to report a significant incident, a violation creating an imminent hazard, or a violation causing material off-site harm. The violation and correction shall be reported in the next annual compliance report.

(10) Modification, suspension, or revocation. ~~Following notice and an opportunity to be heard, the County may modify, suspend, or revoke a conditional use permit for continuing failure to comply with this Chapter, conditions of approval, required reporting, financial assurance requirements, or an approved mitigation plan. Modification, suspension, or revocation shall be processed consistent with applicable County enforcement and appeal procedures.~~

(11) Uncured and repeat violations; civil penalties. If a violation is not corrected within the cure period, or if the same or a substantially similar violation recurs within 24 months after a prior notice of violation, the County may: (a) impose a civil penalty for each day the violation continues beyond the cure period, in the amount established in the adopted County fee schedule, not to exceed the maximum permitted by applicable law, with escalating amounts for repeat violations as provided in the fee schedule; (b) require reimbursement of the County's actual, reasonable inspection, monitoring, independent-verification, legal, and enforcement costs as provided in Section 34-14; (c) suspend the specific activity, equipment operation, or phase giving rise to the violation until the violation is corrected; (d) withhold a building permit, certificate of occupancy, or approval for a later phase that is materially related to the violation, only to the extent authorized by Section 17-79-901, Utah Code, as amended, and other applicable law; and (e) require additional monitoring, testing, or independent verification under this Section. A civil penalty shall be proportionate to the nature, duration, severity, and public impact of the violation and shall not be imposed for a period during which correction was prevented by causes beyond the operator's reasonable control, provided the operator proceeds diligently to complete the correction.

(12) Operation in excess of approved limits. Operation of the facility in excess of an approved limit on electrical demand, water use, gross floor area, noise, air emissions, generator testing or operation, or

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Font: (Default) Calibri

Formatted: Strikethrough

another approved limit or condition is a violation of this Chapter. In addition to the other remedies in this Section, the County may require immediate curtailment to approved limits and may require submission of a complete application for a minor amendment or substantial modification, as applicable, before the excess use may continue or resume. Payment of a civil penalty does not authorize continued operation in excess of an approved limit.

~~(40)~~**(13) Show-cause hearing; modification, suspension, or revocation.** The Planning Commission shall hold a show-cause hearing, after written notice to the facility operator and the property owner, if: (a) a material violation continues after imposition of a civil penalty under this Section; (b) three or more notices of violation for the same or substantially similar violations are issued within any 36-month period; or (c) a violation creates an imminent hazard to public health, safety, or essential public infrastructure. Following the hearing, and based on written findings supported by substantial evidence in the record, the Planning Commission may take no further action; modify the conditions of approval; impose or continue civil penalties; suspend the conditional use permit in whole or in part for a stated period or until a stated correction is completed; or revoke the conditional use permit. In selecting a remedy, the Planning Commission shall consider the severity, duration, and frequency of the violations; the harm or risk of harm to the public, public infrastructure, or adjacent uses; the operator's good faith and diligence in correcting the violations; the operator's enforcement history; and whether a lesser remedy can reasonably be expected to achieve compliance. Revocation is a remedy of last resort and requires a written finding that continued operation under the permit, as it may be modified, cannot reasonably be expected to achieve compliance with this Chapter and the conditions of approval. A decision under this Subsection shall be issued in writing and may be appealed under Section 34-12.

~~(11)~~**(14) Tax, utility, and incentive administration.** Compliance monitoring under this Chapter does not include imposition, administration, collection, or enforcement of the county energy excise tax, a utility tariff, an RSDZ revenue commitment, or an incentive agreement, except to the extent a separate agreement expressly incorporates a land use condition or reporting obligation. The legally authorized entity shall administer those matters in accordance with applicable law. Land use conditions may require submission of information reasonably necessary to implement a separately adopted tax, utility, or RSDZ agreement, but this Chapter does not itself impose, administer, or enforce such agreements.

~~(12)~~**(15) Remedies cumulative.** The remedies in this Chapter are cumulative and do not limit any other remedy available under County ordinance, state law, a development agreement, improvement agreement, financial assurance instrument, permit condition, or court order.

34-11. Decommissioning and Financial Assurance.

(1) Decommissioning plan required. Each application shall include a decommissioning and site-restoration plan addressing cessation of operations; removal of equipment and structures; removal of foundations to a depth of at least 36 inches below grade unless the County approves retention for a documented reuse; including retention of a building for reuse treatment under Subsection (3) of this Section; removal of microgrid components, generation equipment, energy storage systems, and fuel-storage and delivery facilities; proper disposal or recycling; grading, drainage stabilization, erosion control, revegetation where appropriate, utility disconnection, hazardous-materials removal, and restoration to a safe and stable condition.

(2) Cost estimate. The decommissioning cost estimate shall be prepared by a qualified professional acceptable to the County and shall include removal, hauling, disposal, recycling, grading, stabilization, revegetation, professional fees, administrative costs, and a contingency of not less than 15 percent. ~~The County may disallow or limit salvage value in calculating the required financial assurance.~~ The cost estimates may include a credit for documented, verifiable salvage value supported by the qualified professional's analysis; provided that the required financial assurance shall not be less than 50 percent of the gross decommissioning cost estimate calculated without salvage credit.

Formatted: Font: (Default) Calibri

Formatted: Strikethrough

(3) Financial assurance. Before a certificate of occupancy is issued, the applicant shall provide financial assurance in the form of a bond, irrevocable letter of credit, escrow, or other instrument acceptable to the County in an amount equal to the approved decommissioning cost estimate. The financial assurance shall name the County as beneficiary or obligee and shall be in a form approved by the County Attorney. For a phased facility, financial assurance may be provided incrementally, in amounts corresponding to the buildings, generation facilities, energy storage systems, and other improvements actually constructed or authorized for construction, so long as the assurance in place at all times equals the approved decommissioning cost estimate for the improvements then existing or authorized. Where the applicant demonstrates, and the County approves as part of the decommissioning plan, that a building is reasonably suitable for a documented industrial reuse, the required assurance attributable to that building may be limited to the estimated cost of removal of generation equipment, fuel-storage and delivery facilities, energy storage systems, and other equipment; hazardous-materials removal; and site stabilization and security, rather than full removal of the building and foundations. The County shall re-evaluate any reuse determination at each update under Subsection (4). A building is presumed reasonably suitable for a documented industrial reuse if it is structurally sound; is served by permanent utility connections; and consists of an enclosed shell of steel, concrete, or masonry construction suitable for occupancy by a use permitted in the underlying zoning district. The County may rebut this presumption only through written findings identifying the specific site or building characteristics that make reuse impracticable. In addition, the County may, in its sole discretion, accept a guaranty from a parent entity of the owner or operator that maintains an investment-grade credit rating from a nationally recognized statistical rating organization, in a form approved by the County Attorney, in place of all or part of the financial assurance otherwise required by this Subsection. If the guarantor ceases to maintain an investment-grade rating, or the County determines in writing that the guaranty no longer provides adequate security, the owner or operator shall provide a bond, irrevocable letter of credit, or escrow in the required amount within 60 days after written notice from the County.

(4) Updates. The decommissioning cost estimate and financial assurance shall be reviewed and updated at least every three years, upon substantial modification, upon transfer of ownership or operation, or upon request by the County if costs materially change.

(5) Abandonment. Cessation of facility operations for 12 consecutive months constitutes abandonment and triggers the obligation to decommission, unless the County grants an extension for good cause, based on a written plan to resume operations, maintain the site, and protect public health and safety. A change in the tenant, tenant mix, ownership, operator, equipment, technology, or lawful use of the facility does not constitute cessation of facility operations. A temporary suspension of operations for maintenance, renovation, equipment replacement, or re-tenanting for which the operator provides written notice to the County, including an estimated schedule for resumption, does not constitute cessation of facility operations for the noticed period.

(6) Continuing obligations. The obligation to decommission and restore the site is binding on the owner, operator, successors, and assigns. Before a certificate of occupancy is issued, the owner shall execute and record a notice or covenant, in a form approved by the County Attorney, identifying the decommissioning obligation and the financial assurance. The financial assurance shall remain in effect until the County confirms in writing that decommissioning and restoration are complete.

(7) County remedies. If the owner or operator fails to decommission the facility as required, the County may use the financial assurance to complete decommissioning and may pursue any other remedy available at law or equity. Use of financial assurance does not limit the County's ability to recover additional costs if the assurance is insufficient.

(8) Partial decommissioning. The Land Use Authority may require partial decommissioning of a phase, building, generation facility, energy storage system, microgrid component, or support facility that

has been abandoned or permanently removed from service, even if other portions of the data center facility remain in operation.

34-12. Appeals.

(1) **Written decision.** The Land Use Authority shall issue a written decision approving, approving with conditions, or denying an application under this Chapter. The decision shall include findings of fact, conclusions, conditions of approval if applicable, and notice of appeal rights.

(2) **Appeal Authority.** An appeal of a decision under this Chapter shall be heard by the County's designated Appeal Authority, unless otherwise provided by County ordinance or applicable law.

(3) **Time to appeal.** A land use applicant or adversely affected party may appeal a written decision under this Chapter by filing a written appeal within the time established by County ordinance, which shall not be less than 10 calendar days after issuance of the written decision.

(4) **Record on appeal.** The record on appeal shall include the application, studies, peer reviews, staff reports, reviewing agency comments, public comments, hearing record, exhibits, written findings, conditions of approval, and any other materials relied upon by the Land Use Authority.

(5) **Standard and scope of review.** The Appeal Authority shall review appeals in accordance with the standard and scope of review established by County ordinance and applicable Utah law. The Appeal Authority may not substitute policy preferences for the adopted standards governing the application.

(6) **Final decision and judicial review.** A decision of the Appeal Authority is final when issued in writing or as otherwise provided by County ordinance and may be reviewed by a court only as provided by applicable Utah law.

34-13. Expiration, Amendments, Transfer, and Operational Changes.

(1) **Expiration.** A conditional use permit approved under this Chapter expires if substantial construction has not commenced within two years after final approval, unless a different period is stated in the conditions of approval or the Land Use Authority grants an extension for good cause before expiration.

(2) **Extension.** The Land Use Authority may grant an extension if the applicant demonstrates good cause, continued compliance with applicable standards, and no material change in circumstances that would affect the required findings. The Land Use Authority may require updated studies or conditions as part of an extension.

(3) **Minor amendments.** The Community Development Director may approve a minor amendment only if the change, considered cumulatively with all minor amendments since the original approval or most recent substantial modification, does not change the facility ~~tier classification or data center campus determination~~; add co-located generation or a microgrid; change the cooling-system type; ~~materially change common ownership or control, a utility-service request, meter configuration, or supporting infrastructure~~; trigger any numerical threshold in the definition of substantial modification; or materially increase water use, power demand, traffic, noise, emissions, lighting, visual impact, hazardous materials, or emergency-response impacts. ~~A change that does not increase a regulated impact, including a cooling-system change that reduces electrical demand, water use, noise, or emissions, is eligible for approval as a minor amendment.~~ The Director shall issue a written determination stating the applicable baseline and findings.

(4) **Major amendments and substantial modifications.** A substantial modification requires review and approval under the process required for the original approval, unless applicable law requires a different process. Thresholds are measured cumulatively from the original approval or the most recent approval processed as a substantial modification. The Land Use Authority may require updated studies, public notice, a hearing, conditions, financial assurance, and lawful agreements to the extent they relate to the proposed modification.

Formatted: Strikethrough

(5) **Transfer.** A permit may be transferred to a new owner or operator only after written notice to the County, disclosure sufficient to evaluate common ownership or control and data center campus aggregation, confirmation that required financial assurance will remain continuously effective, and written acknowledgment by the new owner or operator that it accepts all conditions of approval, reporting obligations, decommissioning obligations, ~~financial assurance requirements,~~ complaint response obligations, demand-response and curtailment commitments, if any, and other requirements of this Chapter.

Formatted: Strikethrough

(6) **Ownership and operator changes.** The operator shall notify the County within 30 days after any change in owner, operator, facility contact, emergency contact, or responsible party.

(7) **No vested right to unapproved expansion.** Approval of a data center facility or phase does not create approval for a later phase, expansion, generation facility, microgrid component, increased power demand, increased water use, changed cooling method, or other substantial modification unless expressly approved under this Chapter.

~~(7)~~**(8) Routine operations; no review required.** Notwithstanding any other provision of this Chapter, the following do not constitute an amendment, a minor amendment, or a substantial modification, and require no review or approval under this Chapter, provided the facility remains within its approved electrical demand, water use, gross floor area, noise, emissions, and other approved limits and remains in compliance with the conditions of approval: (a) routine maintenance and repair; (b) replacement, upgrade, or refresh of computer servers and associated electronic equipment; (c) like-kind or more efficient replacement of mechanical, electrical, or cooling components; (d) interior alterations that do not increase gross floor area; and (e) a change in the identity, number, or mix of tenants. Activities under this Subsection remain subject to applicable building, fire, and safety codes and shall be reflected in the next annual compliance report where reporting is otherwise required by this Chapter.

Formatted: Font: Bold

Formatted: Font: (Default) Calibri

34-14. Applicant Cost Reimbursement; Agreements; Infrastructure and Service Mitigation.

(1) **Reimbursement required.** Under an adopted fee schedule or a written reimbursement agreement, the applicant or operator shall reimburse the County for the actual, reasonable cost of independent technical, legal, engineering, fiscal, acoustical, fire and hazard, cumulative impact, or other specialized review; enhanced notice; public-meeting facilitation; records preparation; complaint verification; compliance monitoring; and ~~records preparation~~ enforcement support that is reasonably necessary to process the application or verify compliance. The applicant or operator may not be charged for general ordinance development, policy development, or costs unrelated to the application or facility.

Formatted: Strikethrough

(2) **Deposit or escrow.** The County may require an application review deposit, escrow, or reimbursement agreement before accepting or continuing the review of an application that requires independent review or extraordinary staff review. Unused funds shall be returned in accordance with County policy or the reimbursement agreement.

(3) **Infrastructure and service mitigation.** Where a facility creates a need for public infrastructure, public services, inspection capacity, emergency response capacity, road improvements, utility improvements, or ongoing County costs, the County may require lawful mitigation through conditions of approval, development agreements, improvement agreements, reimbursement agreements, participation agreements, impact fees, service contracts, special district arrangements, or other mechanisms authorized by law.

(4) **No unlawful exaction.** Any required dedication, improvement, payment, reimbursement, or service obligation shall comply with applicable law governing exactions and shall be roughly proportionate and reasonably related to the impacts attributable to the proposed facility, unless voluntarily agreed to through a lawful agreement supported by adequate consideration.

34-15. Interpretation, Conflicts, and Severability.

(1) **More specific standard controls.** Where this Chapter conflicts with another County land use, fire, building, engineering, public works, health, nuisance, or development standard, the more specific standard applies. If equally specific standards conflict, the standard that provides greater protection from the identified impact applies unless prohibited by law.

(2) **RSDZ coordination.** An approved RSDZ proposal, committee-established terms, and RSDZ implementing documents govern RSDZ financing, revenue participation, and contractual commitments. This Chapter and other duly adopted land use regulations govern land use review unless a later ordinance or a valid development or entitlement agreement lawfully provides otherwise. Creation of an RSDZ does not, by itself, amend this Chapter or approve a land use application.

(3) **Consistency with law.** This Chapter shall be interpreted consistently with applicable federal and state law. If a provision is determined to be preempted, invalid, or unenforceable, the remaining provisions shall continue in effect to the maximum extent allowed by law.

(4) **Severability.** If any section, subsection, sentence, clause, phrase, or application of this Chapter is held invalid by a court of competent jurisdiction, that decision does not affect the validity of the remaining portions.

(5) **Transition.** An application submitted before the effective date of this Chapter shall be processed under applicable vested-rights law and County ordinance. An applicant may request review under this Chapter if allowed by law and approved by the County.

MEMORANDUM

To: Tooele County Planning Commission

From: Andy Welch

Date: July 27, 2026

Re: Summary of Changes — Chapter 34, Data Center Facilities (Draft V2 compared to prior draft)

Overview

Version 2 of the draft Chapter 34 is a substantial revision. The overall framework is unchanged — data centers remain conditional uses in the M-G district and designated RSDZ Overlay areas, with the Planning Commission as Land Use Authority — but V2 adds a hard cap on facility size, a set of anti-circumvention "campus" aggregation rules, broader public process and disclosure, new cumulative-impact and thermal studies, ongoing noise and water monitoring, a completely rebuilt enforcement section, and several provisions that give operators more flexibility on routine operations and decommissioning assurance. The V2 file is a redline draft: additions and deletions are shown in underline/strikethrough markup. The most consequential changes are summarized below by topic, with section references.

1. New prohibition on "mega" data centers (new Section 34-4(2); definitions)

V2 creates a new facility class — the "mega data center facility," defined as a facility or campus with a maximum coincident electrical demand of 300 megawatts or more at full build-out — and prohibits it outright in every zoning district, including the RSDZ Overlay. A substantial modification that would create or expand a mega facility may not be approved. This is the single largest policy change in the draft: under V1, there was no upper size limit (a "hyperscale" facility of 100 MW or more was allowed with a conditional use permit).

To prevent circumvention of the cap, V2 adds three supporting definitions: "common ownership or control," "data center campus" (related facilities are aggregated as one campus when they share ownership, a master plan, financing, utility-service requests, or principal supporting infrastructure — separate parcels, meters, tenants, or entities do not defeat aggregation), and "maximum coincident electrical demand" (measured at facility load, without deducting on-site generation, storage, or demand response). Applicants must disclose affiliates, an organizational chart, related facilities, and a proposed campus determination, and the Land Use Authority must find that the facility and its campus will remain below the 300 MW threshold at full build-out (new approval finding (I) in Section 34-9).

2. Public process expanded to all facilities (Section 34-4 matrix; Section 34-9)

Under V1, a public hearing was required only for large and hyperscale facilities, facilities with co-located generation or a microgrid, and facilities in the RSDZ Overlay. V2 requires a public hearing before final action on every data center facility, including small facilities, and before final action on any substantial modification. Public information materials (summary, staff report, hearing materials, written decision)

must now be made available for every facility, not just large ones. The annual compliance report obligation is likewise extended from large/hyperscale facilities to every data center facility (Section 34-10(4)).

3. Conditional use standard clarified (Section 34-2(3))

V2 rewrites the conditional use standard to track state law more precisely: mitigation does not require complete elimination of a detrimental effect, but the Land Use Authority may deny an application if reasonably anticipated detrimental effects cannot be substantially mitigated by the proposal or by reasonable conditions. This makes the denial authority explicit, where V1 stated only the approval side of the standard.

4. New required studies (new Sections 34-5-17 and 34-5-18)

Cumulative Impact and Data Center Campus Analysis (34-5-17): required for large facilities, facilities of 100 MW or more, facilities with co-located generation or a microgrid, and any facility that is part of a campus. The analysis must evaluate the combined effect of existing, approved, and pending data centers sharing the same water source, electrical service area, transportation corridor, air basin, or emergency-response system, and must be updated for later phases.

Thermal Impact and Heat Mitigation Study (34-5-18): required for large facilities and any facility with co-located generation or a microgrid. It addresses waste heat sources, off-site heat-plume effects at the property line and nearest residences, site-design mitigation, and waste-heat reuse opportunities. A companion development standard on heat-island mitigation is added as Section 34-6(15), and "waste heat" is added to the purpose statement, definitions, and required approval findings.

5. Stronger water provisions (Sections 34-5-3 and 34-7(4))

The water study now requires source-by-source maximums and source typing (culinary, reclaimed, surface, groundwater); a hydrogeologic analysis of sustainable yield, drawdown, and effects on nearby wells and springs where groundwater is proposed; a metering and reporting plan with separate revenue-grade meters for each material water use and leak-detection notification procedures; and the expected quality and temperature of wastewater discharges. Operationally, the water-conservation standard becomes "water conservation and source limits": operators must maintain separate meters, report water use by source at least quarterly, promptly notify the County of material leaks or limit exceedances, and may not substitute or materially increase a water source without County review.

6. Noise: worst-case testing and ongoing monitoring (Sections 34-5-6, 34-7(1)–(2), 34-10(3))

Noise studies and compliance testing must now model and test representative worst-case conditions (maximum cooling demand, simultaneous operation of major equipment, loudest approved generator-testing configuration). Beyond the one-time post-construction study carried over from V1, V2 adds periodic verification: a large facility must obtain independent noise verification at least every three years and within 90 days after certain substantial modifications, and a facility of 100 MW or more (or with baseload generation or a microgrid) must install a permanent Class 1 sound monitor and publish quarterly public summaries of results. Generator testing rules are also tightened: no simultaneous testing of

multiple units where sequential testing is feasible, posted testing schedules, and 48 hours' advance notice of testing expected to be audible at a noise-sensitive receptor (Section 34-7(6)).

7. New incident-reporting and hazardous-materials requirements (Section 34-7(10)–(11))

V2 adds secondary-containment requirements for liquid fuels and hazardous liquids and a new incident-reporting standard: immediate notification of emergency responders, notice to County Emergency Services and Community Development within one hour of a fire, explosion, battery thermal-runaway event, hazardous-material release, or similar incident, a preliminary written report within 24 hours, a final corrective-action report within 10 business days, and publication of a public summary by the County.

8. Enforcement rebuilt (Section 34-10(9)–(15))

V1 had two short enforcement provisions (notice of violation; modification/suspension/revocation). V2 replaces them with a graduated system: a mandatory written notice of violation with a cure period of up to 30 days; a safe harbor under which a first violation corrected within the cure period may be resolved without penalty (not available for knowing or concealed violations, operation above approved limits, materially false reports, unreported significant incidents, imminent hazards, or material off-site harm); daily civil penalties under the adopted fee schedule for uncured or repeat violations, plus cost reimbursement, suspension of the offending activity, and limited withholding of related permits; an express provision making operation above any approved limit (power, water, floor area, noise, emissions) a violation, with authority to require immediate curtailment; and a show-cause hearing before the Planning Commission — triggered by continuing violations, three notices in 36 months, or an imminent hazard — with modification, suspension, or revocation available on written findings. Revocation is expressly a remedy of last resort. The complaint process also shifts from an operator-maintained process to a County-controlled process, with the operator required to keep a contact available to the County at all times (Section 34-10(6)), and the County's monitoring and enforcement costs become reimbursable in defined circumstances (Sections 34-10(7) and 34-14).

9. Flexibility added for operators

Several V2 changes cut the other way and reduce regulatory burden:

- **Routine operations exemption (new Section 34-13(8)).** Routine maintenance, server replacement and refresh, like-kind or more efficient equipment replacement, interior alterations, and tenant changes require no land use review so long as the facility stays within its approved limits.
- **Impact reductions are not substantial modifications.** A change that only reduces regulated impacts (demand, water, noise, emissions, traffic) is excluded from the substantial-modification definition and is eligible for approval as a minor amendment.
- **Decommissioning assurance (Section 34-11).** V1 let the County disallow salvage value entirely; V2 allows a documented salvage credit, provided assurance is at least 50 percent of the gross estimate. V2 also allows financial assurance to be posted incrementally by phase, reduces required assurance for buildings presumed suitable for industrial reuse (a presumption the County can rebut only with

written findings), and lets the County accept an investment-grade parent-company guaranty in place of a bond or letter of credit.

- **Cessation clarified.** Tenant, ownership, equipment, or technology changes are not "cessation" triggering decommissioning, and noticed temporary suspensions for maintenance or re-tenanting do not start the 12-month abandonment clock.

10. Other notable changes

- **Updated state-law citations.** References to the County Energy Excise Tax Act move from Title 59, Chapter 35 to Chapter 37, and the Title 54, Chapter 26 reference is renamed "Large-Scale Electric Service Requirements."
- **Independent review (Section 34-5(4)).** The County must obtain independent review of the water study and power plan for large facilities, and — for facilities of 100 MW or more, co-located generation, or a microgrid — also of the fire hazard analysis, the air-quality analysis where combustion generation is proposed, and the cumulative-impact analysis.
- **Expanded disclosure (Sections 34-5-1, 34-5-4).** Applications must identify every person with common ownership or control, each beneficial owner, an organizational chart, maximum coincident demand by phase, and all pending or anticipated utility-service, interconnection, and capacity requests, including those made by affiliates. The public information summary must state the facility classification, demand, campus relationships, cooling technology, water figures, requested public financial participation, permanent employment, and principal mitigation commitments.
- **Fiscal accountability (Section 34-5-10(11)).** Applications must include a schedule of the principal projections and commitments (demand, water, employment, public participation, infrastructure obligations) that will be compared against actual performance in annual public reporting.
- **Approval findings (Section 34-9).** Waste heat and cumulative impacts are added to the required mitigation finding, and two new findings are added: sufficient disclosure to confirm the facility will remain below the mega threshold, and mitigability of cumulative impacts where a cumulative analysis is required.
- **Transfers (Section 34-13(5)).** Permit transfers now require disclosure sufficient to evaluate ownership and campus aggregation and confirmation that financial assurance remains continuously effective.

11. Response to Planning Commission comments

A Commissioner asked whether the draft should include a tiered penalty for overuse of infrastructure with a "three strikes" rule (first infraction hurts, second hits the pocketbook, third loses the conditional use permit), whether locations should be limited, and whether size should be limited to exclude mega centers. V2 addresses all three:

- **Tiered penalties with a three-strikes structure.** Section 34-10 establishes a graduated enforcement system. Strike one: a mandatory written notice of violation with a cure period of up to 30 days; a first violation corrected in time may be resolved without penalty, but that safe harbor is expressly

unavailable for operation above an approved limit — so overuse of infrastructure (exceeding approved electrical demand, water use, noise, or emissions) carries consequences from the first infraction. Strike two: uncured or repeat violations within 24 months bring daily civil penalties with escalating amounts for repeat violations under the fee schedule, plus reimbursement of the County's inspection, monitoring, legal, and enforcement costs, suspension of the offending activity, and withholding of related permits. Strike three: three notices of violation for the same or similar violations within 36 months (or a continuing material violation, or an imminent hazard) triggers a mandatory show-cause hearing before the Planning Commission, which may suspend or revoke the conditional use permit. One nuance: revocation is a remedy of last resort requiring written findings, so it is not automatic on the third strike — the Commission selects the remedy at the hearing. Section 34-10(12) further provides that operating above any approved limit is itself a violation, the County may order immediate curtailment, and payment of a penalty does not authorize continued operation above the limit.

- **Limit location.** Carried over from V1: data centers are allowed only in the Manufacturing General (M-G) zone, RSDZ Overlay areas specifically mapped for them, or a district that expressly allows them by ordinance — always as conditional uses, never by right (Section 34-4(1)).
- **Limit size; exclude mega centers.** This is V2's largest change: new Section 34-4(2) prohibits mega data center facilities (300 MW or more maximum coincident demand at full build-out) in every zoning district, including the RSDZ Overlay. The campus-aggregation and common-ownership definitions prevent evading the cap by splitting a project across parcels, meters, tenants, or affiliated entities, and the Land Use Authority must make an express finding that a facility and its campus will remain below 300 MW before approval.