

IRON COUNTY, UTAH
IRON COUNTY PLANNING COMMISSION
Public Hearings & Regular Meeting
September 3, 2026

The Iron County Planning Commission will hold its regularly scheduled meeting September 3, 2026 at 5:30 p.m., at Cedar Festival Hall, located at 105 North 100 East, Cedar City, Utah.

Members Present

Dennis Gray
Erick Cox
Mike Platt
Mark Halterman

Excused

Roger Thomas
Kyle Christensen
Michelle Tullis

Staff Present

Brett Hamilton, Iron County Planner
Sam Woodall, Iron County Deputy Attorney
Terry Palmer, Iron County Building Official/Zoning Administrator
Merilee Wilson, Iron County Engineering Department
Latonya Heaton, Iron County Engineering Department
Lisa Woolsey, Iron County Building/Zoning Department

Staff Excused

Rich Wilson , Iron County Engineering Department

Others Present

Riley Cooper
Wesley Curtis
Hunter Hulet
Charles Johnson
Brian Penny
Joe Deason
Marion Munn
Rob Dotson
Valerie Smith
Tyler Melling
Logan Wade
Laura Cotts
Dennison Dolato
Dallas Buckner
Rand Bettridge
Bruce Washburn
Diana Girtain
Paul Cozzens

Representing

Iron County Rural Preservation Group
Iron County Rural Preservation Group
Velocity Development
Self
Self
Self
Self
Platt & Platt
Self
DDJ Development
Self
Self
Self
Go Civil
Self
Self
Self
Self

1. WELCOME AND PLEDGE OF ALLEGIANCE

Chair Cox opened the meeting at 5:37 p.m.
Chair Cox led the Pledge of Allegiance.

2. MINUTES... consider approval of minutes for the August 13, 2026 meeting.

Chair Cox requested a correction be made on the list of people present be changed from Paul Bettridge to Rand Bettridge.

Motion: Chair Cox made a motion to approve the minutes of the August 13, 2026 as the official record of that same planning commission meeting with the name correction mentioned by Chair Cox.

Second: Seconded by Mark Halterman.

Motion Passed: (Voting: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

3. CONDITIONAL USE PERMIT – Charles Johnson; Light Industrial – PUBLIC HEARING

Consider a request for a Conditional Use Permit to allow the use of "Light Industrial" for steel fabrication within a building on approximately 20 Acres. The project includes cutting, fitting, welding, assembling, and finishing structural and miscellaneous steel products. The project is generally Located on 12700 W, south of Antelope Springs Road, approximately 5 miles west of Iron Springs Road, Cedar City, UT. APN: E-0619-0020-0023-011 (SEC 8, T35S, R13W, SLB &M) *Applicant: Charles Johnson*

Introduction:

Brett Hamilton shared the following:

- The 20-acre property is located on 12700 W, South of Antelope Springs Road, and approximately 5 miles west of Iron Springs Road.
- Zoning is A-20 and currently primarily vacant, except for some shipping containers on the property.
- The proposed building will be on the east side of the property; a 17,000 square foot fabricated metal building with potential expansion. The project includes parking, an office area, a receiving yard, and a shipping yard. All fabrication will be done within the building.
- The proposed use is structural steel fabrication, which would fit the definition of a Light Industrial zone as long as it is being fabricated within the inside of the building.
- The applicants has future plans to build a home on the west end of the property.
- Operating hours will be primarily 7 a.m. to 7 p.m. Monday through Friday and occasionally on Saturdays. No Sunday operations are planned.
- The applicant would like to have up to 25 employees.
- Other steps to the fabrication process include cutting, fitting, welding, assembly, and finishing.
- Potential truck traffic could be up to 10 semi-truck trips per week and 2 to 3 two-ton trucks per week as well.

Open Public Hearing:

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

No comments were made.

Close Public Hearing:

Chair Cox closed the public hearing.

Staff and Planning Commission Discussion:

- Brett Hamilton stated:
 - Two conditions were included in the CUP for screening and visual fencing along the east side (frontage) and around the corner at north and south end. Fencing or perimeter/boundary markers must be placed all around the property. Full screening must be placed all around the business operation.
 - Condition #9 discusses maintenance and repair at the road on 12700 W. Semi-trucks coming and going along that road are not typical. If there are any potholes or other maintenance issues caused from the additional equipment or vehicles, the CUP requires them to maintain and upkeep that road due to heavy traffic.
 - Chair Cox: Asked Brett if he has received any additional comments and if Brett has notified all the surrounding property owners? Brett replied that no additional comments were received and that he has notified all of the surrounding property owners and posted signs out by the site and surrounding owners.
- Chair Cox: Confirmed with the applicant that he also owns the property to the south, then noted it is kind of redundant for the applicant to screen himself from his own business operation.
- Brett Hamilton: Shared that the property may not always be owned by the applicant so the screening requirements covers future owners. The applicant agreed.
- Chair Cox: Confirmed the business would include manufacturing of raw steel into rod beams, etc. which includes shipping, receiving, and the storing of the steel.
- Brett Hamilton: Shared that the business would primarily do a lot of steel awnings and they love doing steel fence work, which they would like to do more of.
- Mike Platt: Clarified that all of the fabrication will be done indoors and shared he has concerns about the fire hazard.
- Terry Palmer: Added that part of the Light Industrial zoning requirements is that manufacturing has to be done indoors.
- Chair Cox: Added that he is confident that Mr. Johnson will maintain his property because of his 26 years of experience with the fire department.
- Riley Cooper: Asked if BZI is a steel fabrication company and what the difference is between the two. Chair Cox explained that is was the scale of the operations noting that this project would initially employ 6 people.
- Charles Johnson: Shared that he taught the founding members of BZI how to weld, but he wants his business to stay small.
- Chair Cox: Asked a lighting question and Brett clarified; exterior lighting is covered in item #6 of the CUP to be dark sky downward lighting.

Planning Commission Action: Recommendation to the County Commission or Continue the item

Motion: Dennis Gray made a motion to grant the Conditional Use Permit for the approximately 20-acre property identified in agenda item #3, having found the application to be in compliance with the requirements of the Iron County Land Management Code, Specifically Section 17.28.050.

Second: Seconded Mark Halterman.

Motion Passed: (Vote: Erick Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

4. ZONE CHANGE – Plascencia-Lopez & Plascencia Fuentes; C to R-5 - PUBLIC HEARING

Consider a request for a zone change from Commercial (C) to Residential 5 Acre (R-5) on approximately 5.11 acres. The property is generally located on Highway 56, west of 6900 W, Beryl, UT (Lot 4, Escalante Valley Ranchos, Unit 15) and located in Section 12, T35S, R18W, SLB&M. APN: E-1733-0036-0000

Applicant: Agustin J. Plascencia-Lopez & Isabel Plascencia Fuentes

Introduction:

Brett Hamilton shared the following:

- The property is located on Hwy 56, approximately 16 miles west of Newcastle. From Beryl Hwy., it is about 9.7 miles away in the Escalante Valley Ranchos, Unit 15 Subdivision within section 12.

- The property is 5.11 acres and the only commercial property in the area. He does not know a lot of the history on the property, but it does not make sense for it to be zoned Commercial. The applicant is proposing to change the property from Commercial to an R-5 zone to match with everything else that is surrounding it.
- As with all the zone changes, the staff reviews the evaluation criteria. To summarize the findings, the zone change will make the property contiguous with the other R-5 zoned property and seems to be the best fit for that piece of property.

Open Public Hearing:

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

- Wesley Curtis asked and Chair Cox explained the buildings next to this property are houses.
- Chair Cox shared that Matt Rhodes with UDOT told him the driveway location would not be permitted and that UDOT would like their driveway to be on the lot line between the two properties further to the west. That would give them 700 feet from the other 2 county roads.

Close Public Hearing:

Chair Cox closed the public hearing.

Staff and Iron County Planning Commission Discussion:

Brett Hamilton reminded the planning commissioners that their role is to make a recommendation to the County Commission, which has a public hearing scheduled on Sept 14th.

Planning Commission Action: Recommendation to the County Commission or Continue the item

Motion: Mike Platt made a motion to recommend to the Iron County Commission that the zone change from Commercial to R-5, for the 5.11-acre property identified in agenda item #4, be approved.

Second: Seconded Chair Cox.

Motion Passed: (Vote: Erick Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

5. ZONE CHANGE – PJT Harker, LLC; RA-20 to R-1/2 - PUBLIC HEARING

Consider a request for a zone change from Rural Agriculture 20 acre (RA-20) to Residential ½ Acre (R-1/2) on approximately 20.33 acres. The property is generally located 0.25 miles south of Midvalley Road, and approximately 4100 W, Cedar City, UT (Section 18, T35S, R11W, SLB&M). APN: D-0515-0000-0000 *Applicant: PJT Harker, LLC, represented by Go Civil Engineering, Dallas Buckner*

Introduction:

Brett Hamilton shared the following:

- The applicant is requesting a zone change from RA-20 to R-1/2 on a 20.33-acre parcel.
- The property is located north of the Equestrian Trails Ranch project, ¼ mile south of Midvalley Rd. near 4000 north and west of Lund Hwy.
- They are requesting a change to the R-½ zoning designation to match the Equestrian Trails property, and property to the east.
- They will gain access from the site in coordination with Equestrian Trails Subdivision since there is no access off of Midvalley Rd or anywhere else.
- Sewer is currently located on 3700 W, which is east of the project. The County has limited connection so they are not guaranteed.
- There is water on Midvalley Rd. Connection to water will likely occur in coordination with the infrastructure improvements inside of the Equestrian Trails Subdivision.
- The 13 criteria for a zone change were briefly reviewed including the parcel is not 40 contiguous acres, but it is adjacent to many other R-½ zoned properties.

Open Public Hearing:

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

No comments were made.

Close Public Hearing:

Chair Cox closed the public hearing.

Staff and Iron Country Planning Commission Discussion:

Brett Hamilton reminded the commissioners that this is a recommendation to the County Commission who will make the ultimate decision. The recommendation will be presented at the County Commission meeting scheduled for September 14th.

Mike Platt shared that he has no problem with zone change, but stated that it is a first come first serve basis on the sewer connections and added that just because we recommend the zone change, it does not mean they automatically get the sewer connections.

Erick Cox shared that if the sewer connections are not available it would be subject to the septic density study for that area.

Brett Hamilton explained that if they were unable to connect to the sewer on the 4500 West line, they would be subject to the 5-acre minimum lot sizes for septic systems.

Mike Platt stated that is something we need to stress to the developers, that they are taking the risk of possibly not getting sewer connections.

Planning Commission Action: Recommendation to the County Commission or Continue the item:

Motion: Mike Platt made a motion to recommend to the Iron County Commission that the zone change from RA-20 to R-1/2, for the approx. 20.33 acre property identified in agenda item #5, be approved.

Second: Seconded by Dennis Gray.

Motion Passed: (Vote: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

6. ZONE CHANGE – Jones Land & Livestock; A-20 to I - PUBLIC HEARING

Consider a request for a zone change from Agriculture 20 acre (A-20) to Industrial (I) on approximately 92.76 acres. The property is generally located near 6800 W & 200 S, Cedar City, UT (Section 15, T35S, R12W, SLB&M). APN: E-0213-0219-0000

Applicant: Jones Land & Livestock, represented by Platt & Platt, Inc.

Introduction:

Brett Hamilton shared the following:

- The applicant is requesting a zone change from A-20 to Industrial along Hwy 56 past the Iron Springs/Highway 56 split.
- The property is 2,487+ acres, but the proposal does not include the entire property.
- He has coordinated with Cedar City regarding the well protection zone. After the discussion, Cedar City had no issues.
- The piece of the property they are proposing to rezone is on approximately 92.76 acres. Concurrently, they are working on a minor subdivision application for the same acreage.
- The 92.76 acres is proposed to be split into 3 parcels.
- The surrounding zoning includes Light Industrial to the north with some Industrial zoning further to the north in the Lakeside Industrial area.
- The property is not going to tie into sewer because it is too far away, near the "High T" at Iron Springs and Hwy 56.
- The Cedar Valley Water Conservancy (CVWC) water lines are at 200 south. The applicant has obtained a will serve letter from CVWC.
- The property is not adjacent to an Industrial zone, but it is over the 40-acre threshold.
- Because the proposed project is on Hwy 56, it provides good access for an Industrial use. There is additional Light Industrial and A-20 uses surrounding it. It seems to be a good fit.
- Chair Cox asked and Brett explained that the applicant wants to have a livestock auction facility on one of the new proposed parcels. Application within an A-20 zone would require a CUP and for an Industrial zone, a livestock auction facility is a permitted use.
- Chair Cox shared that the comment he got from Matt Rhodes from UDOT was that UDOT had an agreement with the County that when a certain number of acres was developed there would be turning lanes to access 200 South. He noted that the burden should not be fully on this applicant, but it should be shared equally with the property owners on the other side of the road. The turning lanes need to be addressed at some point because there is probably well over the 50 acres on the north side already.
- Brett added that the applicant is aware of the agreement with the road improvements. Rob Dotson has reached out to Matt Rhodes about the agreement and improvements. Additionally, there is an agreement for road improvements with the Lakeside Industrial Park so they need to be coordinated. Rich Wilson has plans to reach out to Lakeside Industrial Park owners about the improvements.

Open Public Hearing:

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

- Riley Cooper asked if the applicant had disclosed their plans for the other 2 parcels.
- Rob Dotson shared there is no proposed usage at this time and future plans would depend upon the land needed for the auction.
- Dennison Dolato asked if the slides are available online to view. He finds this information informative and helpful in understanding why the County votes yes or no to proposals.
- Brett Hamilton said he would provide the information to him via email.

Close Public Hearing:

Chair Cox closed the public hearing.

Staff and Iron County Planning Commission Discussion:

- Mike Platt shared that his business is doing the mapping and platting for this project, but he will still vote.
- Brett confirmed this zone change is a recommendation to the County Commission.

Planning Commission Action: Recommendation to the County Commission or Continue the item

Motion: Mark Halterman made a motion to recommend to the Iron County Commission that the zone change from A-20 to Industrial, for the approx. 92.76-acre property identified in agenda item #6, be approved.

Second: Seconded Erick Cox

Motion Passed: (Vote: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye.)

7. PRELIMINARY SUBDIVISION; Adams Farm Subdivision Phase 2 (14 lots)

Consider a request for a preliminary subdivision for 14 lots, ranging in size from 0.42 to 0.52 acres, generally located at the southeast corner of 2300 W & 3550 N, Cedar City, UT – APN: D-0618 & D-0620-0000-0000

Applicant: DDJ Development LLC

Introduction:

Brett Hamilton shared the following:

- The applicant is proposing Phase 2 for the Adams Farm Subdivision. They have an existing development agreement for the full project that is located between Monarch Meadows subdivision, heading south to the Cedar City limits.
- The applicant has a separate development agreement with Cedar City that starts at the city limits and goes south to 3000 north.
- Phase 2 is a continuation of the subdivision going from 3500 south, going south along 2300 West. Phase 2 consists of 14 lots that range in size from .42 acres up to .52 acres.
- Phase 2 is permitted within their development agreement. They are meeting the standards, and are in compliance with the development agreement.
- There was a notice sent to all of the adjacent owners per our code requirements, but the staff did expand the mailing beyond that to share the information with more people. Additionally, noticing signs were placed around the project site.
- This agenda item is not a public hearing item, and he did not receive any comments or feedback from adjacent property owners.

Staff and Iron County Planning Commission Discussion:

- Mike Platt asked and Tyler Melling explained that this phase is not in Cedar City limits because Cedar City did not want to change their annexation area a quarter of a mile north of 3000 north so the full subdivision crosses jurisdictional boundaries. The sewer system will be shared, the HOA will be centralized, but Cedar City wanted its portion. Back when Cedar City took water rights at the time of annexation instead of subdivision, they wanted the water rights right then for that portion, but they did not want anything beyond. The water rights are all now with the water district.
- Mike Platt asked what the purpose of the annexation line is if the municipality is not going to say they will stop at that line. Also, he asked if they are allowed to take a portion and not another portion.
- Brett shared that he thinks it really just comes down to a municipality's decision. There is only a small portion of the boundary that actually reaches 3000 north and it does go all the way across (east to west). There is a lot of property that could potentially be annexed. They have the ability if they go through the proper processes, to expand that boundary right now, but as Tyler noted, they are not interested in expanding that boundary right now.
- Laura Cotts stated it seems the County is getting a lot of subdivisions, and asked if there is water for them.
- Tyler Melling explained they procured the water for the portion in the County and have deeded all of it to the Water Conservancy. Cedar City already got all of its water as part of annexation.
- Chair Cox explained that proof of water is one of the requirements with a development.
- Riley Cooper asked if there are any benefits for that area, like water wise incentives.
- Tyler Melling shared that there are restrictions with every house and noted that the County and Cedar City have different parameters depending on the size of the lot. The HOA has CC&R's that restrict grass in the County portion to 2500 sq. ft. at most.
- Mike Platt shared that this builder and developer will do a good job with water use and making sure that it is what they intended it to be. They are adhering to the zoning so there is no reason not to approve it because they are already conforming to the development agreement.

Planning Commission Action: Recommendation to the County Commission or Continue the item

Motion: Mark Halterman made a motion to approve the Preliminary Subdivision application for the 14 lots on 7.92 acres identified in agenda item #7, having found the application to be in compliance with the requirements of the Iron County Land Management Code, specifically Chapter 16.12.

Second: Seconded by Mike Platt.

Motion Passed: (Vote: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

8. OFF-PREMISES ADVERTISING SIGNS

Consider a request for 2 off-premises advertising signs at 357 N. Center St, Summit, UT
(APN: D-0094-0007-0000) *Applicant: Edward Kelly Blackburn*

Introduction:

Brett Hamilton shared the following:

- The applicant and property owner is Kelly Blackburn. He is requesting to put up two off premises signs/billboards.
- The property location is adjacent to I-15 directly adjacent to Center Street in Summit, UT.
- Mr. Blackburn came in a year and half ago for a CUP for a resort lodge at this location, which was approved.
- His property is zoned Commercial and off premises signs are allowed in that zone.
- Iron County Code, Section 17.52.020 refers to requirements for off premises signs. A few of those requirements are a maximum size of 700 sq. ft., can be double faced, can be illuminated, cannot exceed 35 feet in height, cannot be closer than 500 feet to any other off premise signs, the signs have to be on already developed Commercial or Industrial sites where a permanent building or structure exists.
- The applicant does have a home on the property, that acts as a caretakers dwelling for the Resort Lodge permit.
- A site plan has been provided and identifies the signs would be over 500 feet apart so there is enough room on the property for both. The nearest billboard to the south is over 1 mile away and to the north is over 5 miles away.
- This is an opportunity for the applicant to provide an income stream for his resort lodge.
- The exhibit provided by the applicant shows the proposed signs are 40 feet tall, but Mr. Blackburn is aware the signs are not to exceed 35 feet.
- Brett mentioned how Mr. Blackburn does not plan to build the signs, but plans to hire it to be done by reputable companies.

Terry Palmer stated the signs must be 75 feet away from the I-15 UDOT right of way.

Brett shared that the applicant's plan is less than 50 feet currently so he would have to push it back a little more to the 75 feet.

Chair Cox recommended the Iron County Ordinance be changed to state they must meet all of UDOT requirements.

Mike Platt asked if the applicant pulled a permit for this project (from UDOT).

Brett explained that #8 references the permitting requirements.

Merilee Wilson shared that she had noticed two additional accesses have been created onto the property off of Center Street, and they were not approved by the Engineering Department. She asked if Brett would ask Mr. Blackburn to contact Rich to get the permitting resolved.

Terry Palmer mentioned how Kelly Blackburn has been great to work with.

Planning Commission Action: Recommendation to the County Commission or Continue the item:

Motion: Mike Platt made a motion to recommend to the Iron County Commission that the two off-premises advertising signs identified in agenda item #8, be approved, having found the application to be in compliance with the requirements of the Iron County Land Management Code, specifically Section 17.52.020.

Second: Seconded by Erick Cox.

Motion Passed: (Vote: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

9. Discussion and review of a proposed ordinance establishing the Strategic Development Zone (SDZ) Overlay District within the Iron County Land Use Code. The proposed ordinance establishes a legislative framework for the planning, review, and regulation of large-scale or complex development projects that, due to their scale, infrastructure demands, resource requirements, or regional significance, warrant additional, project specific review and development standards. Staff will present the draft ordinance and seek Planning Commission comments regarding the proposed provisions. There will be no action taken at this meeting.

Introduction:

Brett Hamilton shared the following:

- This agenda item is a discussion item only noting this topic was briefly discussed on August 13th explaining the general framework. He has received good comments from that discussion and has adjusted some language because of those comments.
- The draft is done, but still in draft stage with changes expected.
- The recent changes are changing the zone from a floating zone to an overlay zone.
- Currently, the draft is 19 or 20 pages so there is no way to go through everything tonight. Brett asked the Planning Commissioners to read the draft when they have time.
- He wants the document to be understandable so it can actually be implemented. The County, public, and applicants need to be able to understand the ordinances.
- The “order of operations” for the applicant are:
 1. They must do public outreach prior to submitting an application.
 2. They must meet eligibility criteria (setbacks, environmental impacts, proximity to power sources, etc.)
 3. They must meet SDZ qualification thresholds:
 - If the project exceeds the threshold, the applicant must submit an application for the overlay zone and a development agreement because they go hand in hand.
 - If the project is under the threshold, the applicant would apply for a CUP.
 - Development Agreement vs. CUP:
 - A development agreement has more discretion for penalties, damages, and protections. The overlay development agreement would be reviewed and then go through the normal process.
 - A CUP only has one option and that is to revoke the permit.
 4. The application and development agreement would come to the Planning Commission for review and they would make a recommendation to the County Commission.
 5. The County Commission would also review it and then make the final decision.
- Any future development would also have to go through the review process as well.
- Throughout the whole process, there would be public outreach and public hearings at the planning and county commission meetings.
- As an additional resource, the County will likely add a dedicated page on the County website for the public to see what’s going on with the project and where it’s at in the process.

Impromptu Question and Answer from Staff and the Attendees:

- Riley Cooper asked if there would be public input during application process.
- Chair Cox stated the applicant will have to do public outreach prior to the application process.
- Brett added the intent was to make people aware of the project and for the public to give comments so the applicant could share how they have adjusted their project based on input. The applicant would be required to start public outreach prior to the application process.
- Riley Cooper asked and Brett explained there is no requirement for any public outreach under the current code.
- Paul Cozzens suggested the County should consider that if the size and scope is of such magnitude, the fee should be substantially higher.
- Brett shared he had been working on a proposed fee schedule, and a current overlay application would be about \$70,000. For CUP applications, the fees are determined by a tiered approach so the fees start at about \$500 and a 400+-acre project would be \$10,000. The fees are substantially larger than before due to the amount of time staff will put into an application.
- Riley Cooper asked if the data center that was approved about a month ago was done based on the proposed new ordinance, would the County have been allowed to back out.
- Brett explained that one of the proposed changes is that the decision is changing from administrative to a legislative process, which allows the County to accept all feedback, and the County Commission could say no. There would have to be findings detailing which criteria wasn’t met, and therefore why an application was denied. The change gives more authority back to the County Commissioners.
- Riley Cooper stated that it sounds like it means you want to hear from public.
- Terry Palmer explained that the primary difference between the proposed ordinance and the County’s current process is that the proposed ordinance establishes the requirements directly in the ordinance, rather than relying on negotiated conditions through a CUP. The proposed ordinance also requires more information to be submitted upfront and provides greater clarity regarding the County’s requirements.
- Chair Cox shared that this ordinance is changing as a result of what was learned through the Antelope Data Center process.
- Paul Cozzens commented that government entities have to be careful because if an entity meets those requirements and the County says no, the County can be sued. Paul provided an example of a project that was denied in Idaho, sued, and lost, and now owes millions of dollars.
- Marion Munn asked if the example provided by Paul was a CUP.

- Brett shared that even with zone changes, there is that discretionary component to say no. There's always a lot of litigation on projects that have legislative decisions, but judges often side with the government entity because of the discretionary flexibility. Part of that comes down to making an approval or denial and backing it up with evidence. Reasoning is not "we didn't like the company;" reasoning would refer to the data in relation to the ordinance.
- Brett outlined the eligibility criteria and protection area noting there is a half-mile separation requirement unless they are a participant in the project. For example with most solar projects, they lease the land from the property owner who also probably lives on the site so the County would not say you have to be a half mile away.
- The County reached out to the Paiute tribe to provide input. Members from the tribe have attend previous Planning Commission meetings, and have expressed that they want to be more involved in the process. The ordinance helps provide that opportunity to be more involved.
- Regarding water, the ordinance states a water consumption cap at 50,000 gallons per day, which is about 56-acre feet annually. Some people have commented that if there is a cap, the only industry that will come is ones with reciprocating engines. No turbines, etc. There is potential the ordinance could include a provision to allow adjustments to the cap. For example, they could acquire more water rights and retire them so they could no longer be used, thus having a net zero impact. This could allow them to exceed the 50,000 cap. The draft language is just a starting point. Salt Lake City has a threshold of 200,000 gallons/day, but the County felt our threshold in Iron County should be lower due to our groundwater management plans. Salt Lake City is the only place staff could find that had a numerical cap and the County felt like they were a good resource for information.
- Wesley Curtis asked if he could get a better understanding of 50,000 gallons per day and Brett shared that 50,000 gallons per day is about 56 acre feet per year. The typical household uses about 1 acre foot per year. Therefore, 50,000 gallons per day would be equivalent to about 56 homes per year.
- Tyler Melling stated that Western Quality Foods a major employer in Iron County uses double that per day.
- Brian Penny noted that the public figures for the Red Butte Data Center say they would use 400 acre feet per year in the initial 300 build out. They are well over what you are saying already.
- Brett clarified the only recourse a business would have would be either using more water efficient technology or look at alternatives to offset the excess water use.
- Paul Cozzens shared that Bright Night has changed their project drastically. Originally, they were buying a farm that was using 2500-acre feet as compared to Bright Night's expectation of using 1900-acre feet or less by using a reciprocating or a closed loop system.
- Terry Palmer added that we do not have a complete application from Red Butte at this time; therefore, we have no idea of their exact plans right now.
- Brian Penny asked if the data center is built, but they exceed the water use cap, what would be the fines to enforce them to hold to the cap. We want to make sure that the fees are high enough to make them do it right the first time. It is worth doing it the right way and doing what the county wants.
- Brett answered that the current draft ordinance does not include a penalty or fee, but penalty language would be detailed in the development agreement for that project.
- Valerie Smith stated she would like there to be more than just fines; she would like to see the option of the business being shut down.
- Tyler Melling shared that he has served on the Water Conservancy Board and stated that if they are on that water system, the parameters could be changed with a rate hike if they exceed their water rights, the business can be shut off.
- Chair Cox shared the state is now requiring water reporting as well.
- Nora Cox is concerned about pollution and that the EPA is promoting the huge power plants and also proposing that if a business is bringing their own power and not connecting to grid, then pollution requirement would be less. She asked if the county would be able to insist on better standards.
- Brett clarified that the County does not regulate air pollution; to create our own thresholds would be very problematic and cause issues. One member of the public has suggested finding ways to incentivize developers to utilize clean energy, but the County could not force them to do so and we are not sure how to do that at this point.
- Nora Cox shared that gas generation is about 8/10 of a pound of carbon dioxide per kilowatt hour. That would be 1.5 kilowatt hours per year if it is run all day and all night. This has the potential to be the biggest power plant in the State. She asked what the County is going to do about that to protect her health.
- Brett explained that the State determines the standards, so if there are concerns, he suggest you talk to the State legislators.
- Rand Bettridge shared that 2 weeks ago at the County Commission meeting, a presentation was given by a company that talked about natural gas. The question was asked if 2 data centers were adding power to the Kern River Pipeline, would that put a squeeze on the pipeline or if a second pipeline would need to be added. He asked if there could be a letter from Kern River stating what the line could hold and when or if a second line would be needed.
- Paul Cozzens shared that he had asked that question and their response was that there is a limit. There are currently two 36-inch lines and they may have to run a third line from Wyoming if needed.
- Rand Bettridge explained that Kern River does not own the gas, but they do own the pipe.
- Chair Cox noted that the application requires proof from Kern River that they would serve the applicant's project.
- Riley Cooper asked what the commissioner's current plan is.
- Chair Cox stated that the moratorium is in place now, so until that is over, the County is working on an ordinance that is more favorable.
- Brett stated he feels it would be dangerous to speculate on unknown projects. To be fair to every project, the County would need to accept, review, and analyze the project and then make a decision.

- Riley Cooper asked if a project could go to an election, especially since data centers are a hot topic. She would be interested to see what the general consensus is.
- Paul Cozzens asked if he could reply. He stated there is always a lot of talk about voting on it. Our government is a constitutional republic, not a democracy so we elect officials, people, to represent us. For example, we elected Mike Lee and John Curtis to be our representatives in the senate. We don't text them every night and tell them how to vote. We trusted their judgement. If we don't like how they voted, we don't vote for them the next election. We un-elect them and that's how our process works.
- Erick Cox shared that he has reviewed several public polls regarding support for and opposition to data centers. Based on the polls and public comments he has reviewed, he stated that support and opposition appear to be more evenly divided than some public discussions may suggest, although those opposed may be more vocal. He noted that many members of the public have expressed support for data centers due to the potential for increased revenue and long-term benefits to the County.
- Erick stated that, although he is only one participant in the process, he finds it valuable to review the public comments and other information to help ensure the Planning Commission makes informed decisions. He emphasized that all seven Planning Commissioners spent thousands of hours researching the first data center application, fact-checking information, and reviewing public comments in an effort to make an informed decision. He stated that the Commissioners would undertake the same level of review if another application is submitted.
- Marion Munn noted that we are a democratic republic and we expect the people in power to represent the views of the people. She asked about how much autonomy the Planning Commission has when making big decisions. Chair Cox responded that the Iron County Planning Commission reviews the project and makes a recommendation to the County Commission who has the final say. Their decision does not have to match the recommendation.
- Valerie Smith stated that hearing that is reassuring, however, she does not understand why a determination cannot be made prior to a new proposal. For example, she would like the County to be the leaders that determine what the County will or will not allow. She would like the County to put the citizens and the environmental needs before the shareholders. Brett noted how that would be a legislative decision.
- Chair Cox stated that is a fair point, but until the County knows the full impact of a proposal, a decision cannot be made. The overlay zone will identify the benchmarks the applicant will have to meet in order for the County to even think about reviewing the application. In other words, if the applicant is willing to meet the benchmarks then they could go ahead and submit a proposal for review. If the County had additional concerns, there would be additional discussion regarding mitigation. Doing it this way, the County would not be bound just because an application was submitted. In fact, by doing this we actually have a lot more latitude and a lot more flexibility to say no even more so than with a CUP because if they meet the requirements of a CUP, the County is obligated to approve it.
- Brett added that he thinks the benefit of the process being legislative is that it can be weighed out to determine whether the project is more beneficial to the community or more harmful. Once that is analyzed, a decision can be made. It is false to assume there are no benefits. The most difficult decision for any legislative decision maker is to weigh competing interests and figure out what to choose.
- Riley Cooper stated that if a strip club came in, we would shut it down immediately. She feels that with the Data Center there is a lot of worry and concern about health issues. As the public, we have an opportunity to be heard and we want to understand what this is doing to our public before we have more data centers approved. It would be fascinating to ask the companies that are proposing data centers to do an environmental study. She feels that is not too much to ask.
- Brett showed a list of the required technical and environmental studies that would be required with the draft ordinance. Decision makers would have more information available to weigh both sides.
- Brian Penny asked when the applicant is required to do these technical studies if the County could make sure that a third party, that is county approved, do the studies so that the County cannot be accused of malfeasance.
- Brett shared there is language in the draft ordinance to have a third party do the studies.
- Valerie Smith asked if data centers are an economic benefit to our area. One reason Utah is attractive is because we are giving enormous tax breaks to these companies, and that seems like a really bad idea.
- Chair Cox shared that the County did not do any tax break for the Antelope Data Center.
- Brett clarified that the Planning Commission cannot decide whether to allow tax incentives, the County Commission does. The Planning Commission did recommend no tax breaks be given to the Antelope Data Center.
- Bruce Washburn asked if there is anything to determine the effect on our real estate taxes. The University of Utah has done 4 papers concerning Data Centers and how it affects personal property and real property and depreciation. The data centers have to replace their electronics every 5 years since they depreciate over 5 years. Taxes could drop and then move back up. That would be upsetting to the public.
- Nora Cox stated that some outfits will come in and say the project is going to be 50 megawatts, but then it is going to be another 50 megawatts, and then another. She would like the applicant to be judged by their full build out.
- Brett explained that everything would be based on full build out. For example, if someone is asking to build a 50 megawatt project using a CUP and then later wants to do another, they would then be over the threshold and be required to go through the overlay process.
- Nora Cox asked if there is a way to limit the number of data centers and the number of natural gas used for power generation.
- Brett explained the County is not looking at a cap on energy generation.
- Brett shared:
 - There is a list of technical studies, and then additional technical studies that will be needed for the unique types of development.
 - A list of general standards for any proposed development.
 - Development and performance limits that includes noise, have been decreased from the data center already approved, and lighting mirrored off of what Dark Sky International worked with staff to create.
 - Modification and related code updates for project with CUP like the Pronghorn Data Center and existing solar plants.

- Language exists within the document that addresses when companies want to make changes to an approved CUP project, what would trigger them to have to do an Overlay Zone application.
- Riley Cooper stated that Antelope got a CUP and asked what would prevent another one from doing the same thing.
- Brett clarified that CUP's are only eligible if a data center project is under 50 megawatts. Everything over that would have to go through the overlay process.
- Brian Penny asked if there is language that multiple sites owned by the same parent company or partnership would be under the same conditions.
- Brett stated that there is language in the draft ordinance requiring information about who is in charge of a project and shared that the IT department will be putting the draft on the County's website on the planning meetings page or search by ironcountyut.gov/planning. He met with IT this week to help expedite the process of posting information.
- Brett stated he thinks there has been a lot of good discussion. Now, the draft will get uploaded so the public can read it and give feedback, both what they like about the ordinance and what they would like to see improved.
- Brian Perry thanked Brett for all he has done and for discussing the bond option so there is a way for the County to clean it up if a company messes things up or when it's time for reclamation. It's amazing to see all the work that has been done.
- Chair Cox thanked the public for their participation.

10. PUBLIC COMMENTS... Non-Agenda Items

Chair Cox opened the public comments.

No Comments were made.

Chair Cox closed the public comments.

11. STAFF REPORTS...

Building Department:

Terry stated:

- The Building & Zoning Department has been really busy.
- He is thankful for the commissioners for all that they do and for what they put up with.
- He thanked Brett for all that he does, how he is greatly appreciated, and understand how busy he has been. He knows that Brett has taken the time to talk to other cities that have data centers in Utah and gathered information and input, which has been a lot of help.

Brett Hamilton added that a lot of other counties and cities have implemented moratoriums and asked for a copy of Iron County's draft to use as a model.

Erick Cox stated that he hopes that those opposed to data centers felt like they were heard when the County implemented the moratorium. It was a significant decision to make.

Planner & Services Coordinator:

Brett shared that Governor Cox sent out a memo with suggestions regarding data centers, but the State did not do a moratorium.

Terry mentioned that the legislators last February passed legislation that the data centers will have to be more upfront about water usage.

We have talked to a lot of operational data centers, and others that are proposing projects, and the water usage is not as extreme with new technology, although some of the older ones did use a lot of water. The state is worried about water use as well.

Terry has been with Iron County for 30 years and to see what has changed in 30 years is incredible. So, we appreciate the input and everybody coming out. Thank you all.

Brett noted that the October Planning Commission meeting is going to be held on the second Thursday of the month on October 8th instead of the first Thursday.

12. ADJOURN

Chair Cox closed the public hearing at 7:11 p.m.

Minutes Approved October 8, 2026 by the Iron County Planning Commission

Lisa Woolsey

10/9/2026