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Chapter 17.37 — Strategic Development Zone (SDZ) Overlay

Section 17.37.010: Purpose and Intent

The purpose of the Strategic Development Zone (SDZ) is to establish an overlay-zoning framework for strategically significant developments that, due to their scale, complexity, infrastructure demands, resource requirements, or regional significance, warrant specialized development standards and coordinated review.

1. The SDZ Overlay is intended to:
2. Provide a predictable framework for evaluating and regulating large-scale development;
3. Ensure adequate infrastructure and resource availability;
4. Protect public health, safety, and welfare and minimize impacts to surrounding properties and resources; and
5. Address environmental, agricultural, cultural, and other community considerations associated with the proposed development.
6. Establish additional or alternative use and development standards for qualifying developments.

The SDZ Overlay may be applied to developments including, but not limited to, data centers, energy generation facilities, battery energy storage systems, industrial campuses, and other developments meeting the applicability and eligibility requirements of this chapter.

An SDZ Overlay, together with the approved Development Envelope, establishes the authorized land uses, development intensity, general development framework, and applicable development standards for the approved development. The Development Agreement implements the approved SDZ and Development Envelope by establishing project-specific obligations, phasing, infrastructure improvements, mitigation, financial assurances, and other implementation requirements.

Development within an SDZ Overlay shall comply with this chapter, the approved Development Envelope, Development Agreement, and other applicable federal, state, and county requirements.

Section 17.37.012: Relationship to Underlying Zoning

The SDZ Overlay is applied in combination with the underlying zoning district. Except as otherwise expressly provided in this chapter, the provisions of the underlying zoning district shall continue to apply.

Where the provisions of this chapter conflict with provisions applicable to the underlying zoning district, the provisions of the SDZ Overlay shall govern development subject to the approved SDZ Overlay.

Section 17.37.015: Fees and Cost Recovery

All fees associated with an SDZ Overlay, Development Agreement, and subsequent development review shall be established and collected in accordance with the County's adopted fee schedule.

Any required pre-application meeting or other review shall be subject to applicable fees established by the County's adopted fee schedule.

Applicant or operator shall pay all actual costs incurred by the County for independent professional, technical, engineering, financial, legal, or consultant review required during application processing, construction inspection, and ongoing operational monitoring to verify compliance with this chapter, the

approved Development Envelope, or Development Agreement. The County may require a deposit toward anticipated review costs.

Section 17.37.020: Definitions

The following terms shall have the meanings provided in this section when used in this chapter.

Acceptable Security: Security shall be in a form and from an issuer acceptable to the County Treasurer and County Attorney and shall remain continuously enforceable and available to the County until released pursuant to this chapter. Corporate guarantees, parent-company guarantees, self-insurance, pledges of project assets, and insurance policies are not Acceptable Security. The County Treasurer may reject an issuer or account party that does not meet minimum standards published by the Treasurer.

Battery Energy Storage System (BESS): A system that charges or otherwise collects, stores, and later discharges energy to provide electricity to the grid or an end user. BESS includes the primary battery energy storage device along with any ancillary equipment, including inverters, power electronics, thermal management systems, control electronics, and enclosures.

Data Center: A facility consisting of one or more buildings, structures, or associated infrastructure designed primarily to house networked computer systems, servers, telecommunications equipment, data processing equipment, or related digital technology infrastructure, including associated mechanical, electrical, backup power, cooling, security, and utility infrastructure.

Development Envelope: The maximum and general physical, operational, and infrastructure characteristics of a proposed development established through SDZ approval, including authorized uses, maximum development intensity, general development areas, major building and facility parameters, infrastructure, phasing, access, buffers, and other material characteristics necessary to evaluate the development.

Energy Generation Facility: A facility or group of facilities used to generate or convert electrical energy for on-site use, private use, or delivery to the electrical grid. This includes, but is not limited to, solar energy facilities, geothermal facilities, natural gas generation facilities, renewable energy facilities, and other utility-scale or distributed generation technologies.

Industrial Campus: A coordinated development consisting of multiple buildings, structures, facilities, or operational areas designed to function as an integrated development for industrial, manufacturing, technology, energy, logistics, or similar uses, including associated infrastructure and facilities necessary to support the development.

Phase: A distinct increment of development identified in the approved Development Envelope and Development Agreement for purposes of construction, permitting, operation, and compliance.

Qualifying Clean-Energy Resources: Energy resources used to generate electricity without direct combustion of fossil fuels, including solar, wind, geothermal, nuclear, and other resources determined by the County to meet this standard. Energy storage systems charged from Qualifying Clean-Energy Resources shall qualify to the extent of the electricity supplied from those resources.

Residence: A legally established dwelling unit designed and intended for human habitation, including a single-family dwelling, manufactured home, or other lawful dwelling. A recreational vehicle, travel trailer,

camping trailer, or other vehicle or temporary structure shall not constitute a residence unless it is lawfully established as a dwelling under applicable County regulations.

Strategic Development Zone (SDZ): An overlay zone established pursuant to this chapter to provide specific land use and development standards for qualifying development.

Section 17.37.025: Applicability and Thresholds

A proposed development shall be subject to the SDZ Overlay process when it meets any of the following thresholds:

1. Data Center: 50 megawatts or greater of anticipated IT load;
2. Energy Generation Facility: 50 megawatts or greater of nameplate generating capacity;
3. Battery Energy Storage System (BESS): 100 megawatts or greater of discharge capacity; or
4. Industrial Campus: 150 acres or more, or development requiring substantial new major infrastructure to serve the development.

For purposes of determining whether a threshold is met, multiple parcels, phases, facilities, or related development components shall be considered together when they are proposed as part of a common or coordinated development.

- A. The County Commission may require a development that does not meet the thresholds above to undergo SDZ review when, based on the scale, complexity, infrastructure demands, resource consumption, or potential impact of the development, SDZ review is necessary to protect the public health, safety, and welfare or to adequately evaluate the development.
- B. Development within an established SDZ Overlay shall comply with the approved Development Envelope, Development Agreement and applicable development standards. Proposed modifications to an approved SDZ shall be processed as a revision or amendment to the Development Envelope and/or Development Agreement, as applicable, in accordance with this chapter. Development shall also undergo the applicable project-specific review and technical studies required by this chapter.

Section 17.37.030: Eligibility Criteria

An SDZ application shall not be accepted for review unless the proposed development satisfies all applicable eligibility criteria established in this section. Meeting the eligibility criteria establishes eligibility for consideration only and does not create a presumption of approval.

- A. Underlying Zoning. The SDZ Overlay may be applied only to property within zoning districts identified by the County as eligible for SDZ development. The SDZ Overlay shall not be applied to the following zoning districts: R4K, R-1/2, R-1, R-5, RA-20, C, and I-A.
- B. Residential Separation. The proposed SDZ Overlay boundary shall maintain a minimum separation of one-half (½) mile from protected residential uses. For purposes of this subsection, “protected residential uses” means (1) an existing lawful residence, or (2) property zoned for residential use that has been legally subdivided for residential development, in either case as of the date the SDZ application is submitted. The separation shall be measured from the boundary of the proposed SDZ Overlay to the nearest protected residential use. A residence or property whose owner is a participant in the proposed energy project through a lease, purchase option, or similar agreement shall not be subject to the separation requirement.

- C. **Infrastructure Proximity and Feasibility.** The applicant shall demonstrate that the proposed development is reasonably located in relation to existing infrastructure capable of serving the development and that necessary infrastructure can be provided in a reliable and feasible manner. The review shall consider the availability and capacity of electrical, water, wastewater, transportation, and other infrastructure necessary to serve the development, as well as the feasibility of required extensions, upgrades, easements, and other improvements.
- D. **Project Area.** The proposed SDZ overlay boundary shall encompass a contiguous area sufficient to accommodate the proposed development envelope and associated on-site infrastructure.
- E. **Environmental Constraints.** Significant environmental constraints affecting the proposed development shall be identified and capable of being avoided, addressed, or adequately mitigated.
- F. **Water Resources.** The proposed development shall demonstrate that a legally available and reasonably reliable water supply exists or can be secured to serve the development in accordance with applicable law and County requirements.
- G. **Agriculture.** The proposed SDZ overlay shall minimize impacts to productive agricultural lands and shall consider existing agricultural operations and surrounding agricultural uses.
- H. **Development Envelope.** The application shall establish a proposed Development Envelope with sufficient information to allow the Planning Commission and County Commission to evaluate the development and establish its authorized uses, maximum intensity, general configuration, infrastructure, phasing, and material impacts through the SDZ approval process.
- I. **Clean Energy Preference.** An applicant that demonstrates that at least fifty percent (50%) of the development's anticipated annual electrical energy consumption will be supplied from Qualifying Clean-Energy Resources may request alternative development standards through the Development Agreement. The County Commission may approve modifications to otherwise applicable site-development standards when it determines that the proposed modifications are appropriate based on the development's use of Qualifying Clean Energy Resources. Any modification shall be specifically identified in the Development Agreement and shall not reduce requirements related to public health, safety, water-resource protection, emergency access, residential separation, noise, or other mandatory standards established by this chapter.

Section 17.37.040: Application and Submittal Requirements

An application for an SDZ Overlay shall provide sufficient information for the County to evaluate the proposed Development Envelope, infrastructure needs, potential impacts, and compliance with this chapter. The proposed Development Agreement shall be submitted concurrently with the SDZ Overlay application.

- A. **Pre-Application Meeting.** Prior to submitting an application for an SDZ, the applicant shall participate in a pre-application meeting with County staff. The meeting should identify applicable submittal requirements, technical studies, infrastructure considerations, reviewing agencies, and other issues relevant to the proposed development. The pre-application meeting does not constitute approval or vest any development rights.

B. SDZ Overlay Application

The application shall include, as applicable:

- 1. **Preliminary Design.** The applicant shall submit a preliminary design sufficient to evaluate the proposed land use, site layout, development envelope, major structures and equipment, utility systems, access, infrastructure, phasing, and potential impacts. The preliminary design shall generally reflect a minimum 30 percent site-development design level, or an equivalent level of

detail sufficient for the County to evaluate the proposed development. Detailed final engineering shall not be required at this stage unless specifically necessary to evaluate compliance with this chapter.

2. Development Concept and Proposed Development Envelope. A description and conceptual plan identifying the proposed uses, development intensity, major buildings and facilities, energy and utility infrastructure, phasing, access, supporting infrastructure, buffers, and other material characteristics of the proposed development necessary to establish the Development Envelope.
3. Infrastructure Information. Information regarding water, wastewater, electrical, natural gas, telecommunications, transportation, and other major infrastructure necessary to serve the development.
4. Technical Studies and Resource Information. Technical studies and other information required by this chapter or reasonably necessary to evaluate the proposed development and its potential impacts. Studies shall evaluate reasonably foreseeable impacts at full buildout, including cumulative and off-site impacts where applicable.
5. Cultural and Tribal Resources. Information necessary to identify potential cultural or tribal resource concerns and documentation of applicable review or consultation.
6. Public Outreach. A summary of public outreach conducted before, and outreach plan during the application process, including principal concerns raised and responses or proposed mitigation.
7. Developer and Project Information. Information identifying the applicant and principal development entities, ownership and operating structure, relevant development experience, anticipated project schedule, and other information reasonably necessary to evaluate the proposed development.
8. Preliminary Decommissioning Information. A preliminary decommissioning and site restoration plan identifying major facilities and infrastructure to be removed, abandoned, recycled, or otherwise lawfully disposed of, together with a preliminary engineer's cost estimate and proposed financial assurance.

C. Project-Specific Review Within an Established SDZ Overlay

A development proposed within an established SDZ shall provide the site plans, technical studies, infrastructure information, and other project-specific information necessary to demonstrate compliance with the approved Development Envelope, Development Agreement, and applicable development standards.

Previously prepared studies or information may be used when determined by the Zoning Administrator to be adequate and sufficiently current for the proposed development.

D. Additional Information

The Zoning Administrator may require additional information, studies, or revisions reasonably necessary to evaluate the proposed development, its impacts, infrastructure requirements, or compliance with this chapter. The Zoning Administrator may waive a required study or submittal when it is clearly inapplicable or equivalent information has already been provided and remains adequate.

E. Required Technical Studies and Project Information

The County shall require technical studies, reports, plans, and other information reasonably necessary to evaluate a proposed development based on its type, scale, location, infrastructure requirements, and potential impacts.

Required studies and information may include, as applicable:

1. Water supply, water use, hydrology, and wastewater;
2. Fiscal and Economic Impacts;
3. Transportation, traffic, access, and road impacts;
4. Drainage, stormwater, and erosion;
5. Environmental, wildlife, agricultural, and natural resource impacts;
6. Cultural and historic resources;
7. Infrastructure and utility capacity, including electrical generation, transmission, and interconnection;
8. Noise, vibration, lighting, glare, and visual impacts;
9. Fire protection, emergency response, and hazardous materials;
10. Construction, operations, and phasing;
11. Decommissioning, site restoration, and financial assurance; and
12. Other technical studies or project information reasonably necessary to evaluate the proposed development.

Required studies shall be prepared by qualified professionals using generally accepted methods appropriate to the proposed development. Studies shall evaluate reasonably foreseeable impacts of the development at full buildout, including applicable cumulative or off-site impacts.

The Zoning Administrator may waive a required study or information when it is clearly inapplicable to the proposed development or equivalent information has already been provided and remains adequate. The Zoning Administrator may require additional studies, information, or revisions when necessary to evaluate the proposed development or address information identified during review.

F. **Project-Specific Technical Requirements.** In addition to the general technical studies required by this chapter, the County shall require project specific studies, plans, and technical information based on the characteristics and potential impacts of the proposed development: Project-specific requirements may include, as applicable:

1. **Data Centers.** Water use and cooling systems (closed loop only); wastewater and process fluids; backup generation and fuel systems; electrical infrastructure; hazardous materials; and other systems with potential environmental, infrastructure, or public safety impacts.
2. **Energy Generation Facilities.** Generation equipment and fuel systems; transmission and interconnection facilities; substations; utility corridors; and associated off-site infrastructure.
3. **Battery Energy Storage Systems.** Fire and life safety; battery chemistry and configuration; emergency response; containment; monitoring and shutdown systems; and hazardous materials.
4. **Solar and Renewable Energy Facilities.** Site layout and equipment configuration; glare and visual impacts when applicable; wildlife and environmental resources; and required state or federal agency coordination.
5. **Industrial Campuses and Other Major Developments.** Infrastructure capacity, transportation, utilities, hazardous materials, emergency response, environmental impacts, and other technical issues identified through the review process.

G. Cultural and Tribal Resource Review

Cultural and tribal resource review shall be conducted when applicable based on the location, scope, and potential impacts of the proposed development.

Where a proposed development may affect cultural resources of concern to the Paiute Indian Tribe of Utah, the applicant shall provide the Tribal Historic Preservation Officer (THPO) with available project plans, location information, and cultural-resource information and allow at least thirty (30) calendar days for written comments or a request for a staff-level mitigation meeting.

The applicant shall provide the County with written comments or recommendations received during the review, or documentation that the review period elapsed without a response.

This process is intended to inform County review and facilitate good planning. Nothing in this subsection constitutes formal government-to-government consultation or grants a private or external entity regulatory or veto authority over the County Commission's legislative decision.

H. Public Outreach

Following the pre-application meeting and prior to submitting an SDZ Overlay application, the applicant shall conduct public outreach appropriate to the scale, location, and anticipated impacts of the proposed development.

The applicant shall submit a public outreach plan and summary describing:

1. The outreach activities conducted or proposed;
2. The persons, property owners, residents, agencies, or areas targeted for outreach;
3. The principal questions and concerns raised; and
4. The applicant's responses or proposed mitigation measures.

During application review, the applicant shall continue to implement the outreach plan and shall provide reasonable updates or additional outreach when requested by the Zoning Administrator based on the scale, location, or anticipated impacts of the proposed development.

Public outreach is intended to facilitate early communication, identify issues, and provide an opportunity for the applicant to address concerns during project development.

I. Developer Qualifications

The applicant for a proposed development within an SDZ Overlay shall provide sufficient information for the County to evaluate the ability of the applicant and principal development entities to construct, finance, operate, and decommission the proposed development.

1. The information shall include, as applicable:
2. The identity of the applicant and principal development entities;
3. The ownership and operating structure of the development;
4. Relevant experience developing or operating similar facilities;
5. The proposed development schedule and major project milestones; and
6. Other information reasonably necessary for the County Commission to evaluate the applicant's ability to complete and operate the proposed development.

J. Preliminary Decommissioning and Financial Assurance

The applicant for a proposed development within an SDZ Overlay shall submit a preliminary Decommissioning and Site Restoration Plan and preliminary engineer's cost estimate.

The preliminary plan shall identify:

1. The major buildings, structures, equipment, solar modules, utilities, and infrastructure requiring removal, abandonment, recycling, or disposal;
2. The anticipated restoration of disturbed areas;
3. The anticipated methods and estimated costs of decommissioning, including removal, transportation, recycling, disposal, and site restoration; and
4. The proposed form of financial assurance.

Final decommissioning requirements and financial assurance shall be established through the Development Agreement and shall comply with Section 17.37.060.

The financial assurance shall remain in effect until the County determines that the applicable decommissioning and site restoration obligations have been satisfied. The financial assurance shall be maintained, renewed, increased, or replaced as necessary to ensure that sufficient funds are available to complete those obligations. Transfer of ownership, operation, or control of a development shall not release or reduce the financial assurance obligation.

K. Completeness and Additional Information

The Zoning Administrator shall determine whether an SDZ application or Development Agreement contains sufficient information to permit meaningful review.

The Zoning Administrator may require additional information, technical studies, or revisions reasonably necessary to clarify the proposal, evaluate identified impacts or infrastructure requirements, or determine compliance with this chapter.

A determination that an application is complete does not constitute approval of the proposed development or limit the County Commission's authority to require conditions, mitigation, revisions, or additional information as part of its review.

Section 17.37.045: SDZ Review and Approval

A. Staff Review. The Zoning Administrator shall coordinate the review of an SDZ Overlay application and Development Agreement for completeness and compliance with this chapter and shall coordinate review by County departments, technical staff, consultants, and other reviewing agencies as appropriate.

B. Planning Commission Review. The Planning Commission shall conduct a public hearing on a proposed SDZ Overlay, Development Envelope, and Development Agreement and shall make a recommendation to the County Commission regarding approval, approval with modifications or conditions, or denial.

C. County Commission Review. Following the Planning Commission's recommendation, the County Commission shall consider the proposed SDZ Overlay, Development Envelope, and Development Agreement as a legislative land use decision. The County Commission may approve, approve with modifications or conditions, or deny the proposal.

D. Public Notice. Public notice and hearing requirements for establishment or amendment of an SDZ Overlay shall comply with applicable Utah law and County requirements. Any additional notice required by this chapter shall also be provided.

E. Effect of Approval. Upon approval, the SDZ Overlay and Development Envelope establish the authorized land uses, development intensity, general development framework, and other land use parameters approved for the development. The Development Agreement implements the approved SDZ Overlay and Development Envelope by establishing project-specific obligations, phasing, infrastructure improvements, mitigation, financial assurances, performance requirements, and other implementation requirements.

The Development Agreement shall be consistent with the approved SDZ Overlay and Development Envelope and shall not authorize a use or development intensity that was not considered and approved as part of the SDZ legislative process.

F. Subsequent Development Review. Following approval of the SDZ Overlay, Development Envelope, and Development Agreement, subsequent development review shall determine compliance with those approvals and applicable development standards. Such review shall not reconsider uses or development intensity expressly authorized by the approved SDZ Overlay and Development Envelope, except through an amendment process authorized by this chapter.

Section 17.37.050: Development Agreement

The Development Agreement shall be submitted and considered concurrently with the SDZ Overlay and Development Envelope. The Development Agreement shall implement the approved SDZ Overlay and Development Envelope and shall establish the project-specific obligations and commitments necessary to develop, operate, and decommission the approved development.

As part of the Development Agreement, the County and applicant may negotiate community benefits addressing impacts and needs associated with the proposed development. Such benefits may include infrastructure improvements, water-resource investments, emergency services, workforce development, local economic development, public facilities, or other community benefits mutually agreed upon by the County and applicant.

Where the applicant requests discretionary development flexibility, incentives, or modifications to otherwise applicable standards, the Development Agreement may identify community benefits provided in consideration of such flexibility, incentives, or modifications. The Development Agreement shall identify the nature, timing, and responsible party for each agreed community benefit.

A. Project-Specific Requirements. The Development Agreement shall establish project-specific requirements and commitments, as applicable, including:

1. Project phasing and development schedule;
2. Water supply, water-use requirements and metering;
3. Transportation and infrastructure improvements;
4. Mitigation measures;
5. Financial assurances, performance guarantees and security for completion of required improvements and obligations;
6. Decommissioning and site restoration requirements;

7. Performance deadlines;
8. Construction and operational requirements;
9. Transfer or change of ownership or control;
10. Compliance monitoring, enforcement provisions, penalties, and remedies for failure to comply with the Development Agreement or approved project requirements; and
11. Other requirements necessary to implement the approved SDZ Overlay and Development Envelope and ensure compliance with this chapter.

B. Subsequent Development. Approval of a Development Agreement for one development shall not authorize or establish development rights for a separate development within the SDZ Overlay. Subsequent development shall require the applicable project-specific review and shall comply with the approved SDZ Overlay, Development Envelope, Development Agreement, and applicable requirements of this chapter.

C. Approval Term. The Development Agreement shall establish a commencement deadline not to exceed five (5) years from the effective date of the Development Agreement. The County Commission may extend the commencement deadline upon request and for good cause, pursuant to Section 17.42.060. Failure to commence construction of the approved development within the applicable deadline, including any approved extension, shall cause the Development Agreement to expire unless otherwise provided by applicable law.

D. Change in Ownership or Control. A change in ownership or control of an SDZ project shall not include a transfer between entities that are under common ownership or control, a corporate reorganization that does not result in a change in the entity ultimately responsible for the project, or a transfer solely for financing purposes. Following a change in ownership or control of an SDZ project, the new owner shall meet with the County within thirty (30) days of the transfer, or prior to the transfer if mutually agreed upon by the County and the parties. The meeting shall provide an opportunity to review the project's approvals, development agreement, conditions of approval, outstanding obligations, and applicable County requirements.

Section 17.37.052: Existing Approvals and Major Revisions

A. Existing Approvals. A conditional use permit lawfully approved prior to the effective date of this chapter shall remain valid and may continue to be developed and operated in accordance with the approved plans, conditions, and applicable law. Adoption of the SDZ Overlay shall not, by itself, require an existing conditional use permit to be replaced or converted to an SDZ Overlay.

B. Revisions Requiring SDZ Review. Any proposed revision to an existing conditional use permit that would materially increase the scale, intensity, physical extent, authorized uses, or reasonably anticipated impacts of the approved development shall require approval through the SDZ Overlay process prior to approval of the revision. A revision shall require SDZ review if it includes any of the following:

1. An increase in the approved project acreage;
2. An increase in the approved electrical generation capacity, energy-storage capacity, or other applicable development capacity;
3. Addition of a new principal use, major facility, or substantially different component not included in the approved conditional use permit;
4. A material increase in traffic, water consumption, noise, emissions, hazardous materials, lighting, emergency response requirements, or other significant operational impacts;
5. Expansion or addition of major infrastructure or utility facilities that materially changes the scale, configuration, or impacts of the approved development; or

6. A material change in the technology, configuration, or operation of the development that substantially changes the nature or impacts of the approved use.

C. Minor Revisions. Revisions that do not result in a material increase or substantial change as described in this section may be reviewed and approved in accordance with the procedures applicable to the existing conditional use permit and shall not require an SDZ Overlay solely because of the adoption of this chapter.

D. Determination. The Zoning Administrator shall determine whether a proposed revision requires SDZ review under this section. A determination that SDZ review is required shall be based on the criteria in this section and provided to the applicant in writing. Any person aggrieved by a decision of the zoning administrator concerning a decision for a minor revision may file an appeal in accordance with Section 17.44.030.

Section 17.37.055: Amendments to Approved SDZ Developments

An approved development within an SDZ may be modified as a Minor Revision, Minor Amendment, or Major Amendment. The classification shall be based on the nature, scope, and anticipated impacts of the proposed modification.

- A. **Minor Revision.** A Minor Revision is a non-substantive modification that does not materially alter the approved development, its impacts, or conditions of approval. Minor Revisions may be approved administratively by the Zoning Administrator. Minor Revisions may include adjustments to the location or configuration of internal roads, utilities, equipment, landscaping, drainage, or similar site components, provided the modification remains consistent with the approved Development Envelope and does not materially increase impacts.

A Minor Revision shall not increase approved development capacity, add an unauthorized use, expand the approved SDZ or project boundary, increase water consumption or other impacts, modify a condition of approval or Development Agreement requirement, or reduce required financial security or mitigation.

- B. **Minor Amendment.** A Minor Amendment is a substantive modification to an approved development that does not materially alter the overall character, authorized development program, or anticipated impacts of the development. Minor Amendments may be approved by the Planning Commission.

A Minor Amendment may modify the approved Development Envelope, Development Agreement, or other project-specific approval, provided the modification is consistent with the applicable SDZ and does not amend a land use regulation, expand the SDZ boundary, authorize a use not permitted by the SDZ, materially increase anticipated impacts, or materially reduce required mitigation, conditions of approval, or financial security.

- C. **Major Amendment.** A Major Amendment is a modification that materially changes the approved development program, authorized uses, development capacity, anticipated impacts, or other fundamental aspect of the approval. Major Amendments require approval by the County Commission following review and recommendation by the Planning Commission.

A Major Amendment includes any modification that expands the SDZ boundary, adds a use not authorized by the SDZ, materially increases development capacity or anticipated impacts, materially

reduces required mitigation or conditions of approval, or requires amendment of the SDZ Overlay or another land use regulation.

- D. **Classification.** The Zoning Administrator shall make an initial determination regarding the appropriate amendment classification and may refer a proposed modification to the Planning Commission when the classification is uncertain. Related modifications shall be considered collectively when determining the appropriate classification.

Section 17.37.060: Development and Performance Standards

Development within an approved SDZ Overlay shall comply with the standards of this section, the approved Development Envelope, the Development Agreement, applicable building and fire codes, and all other applicable federal, state, and County requirements.

Unless otherwise required by this title, state law, or federal law, a use expressly authorized by the approved SDZ Overlay and Development Envelope shall not require a separate conditional use permit, administrative land use permit, or other discretionary land use approval. Building, grading, electrical, plumbing, mechanical, fire, or other permits otherwise required by law shall remain required.

No construction permit shall be issued for development within an SDZ until the Zoning Administrator determines that the proposed construction is consistent with the approved SDZ Overlay, Development Envelope, Development Agreement, applicable phase, and applicable county development standards.

A. General Compliance and Phasing

1. **Approved Development.** Construction shall conform substantially to the approved Development Envelope, Development Agreement, approved phasing plan, and applicable conditions of approval.
2. **Phasing.** Each phase of development shall identify the buildings, structures, infrastructure, access, utilities, and mitigation measures necessary for that phase. Required infrastructure and mitigation shall be constructed concurrently with or prior to the development they are intended to serve.
3. **Independent Operation.** Each phase of a multi-phase development shall be capable of operating in compliance with all applicable SDZ standards and shall not rely upon infrastructure or mitigation improvements assigned to a future phase unless specifically authorized by the Development Agreement.
4. **Prior Rights and Easements.** Prior to commencement of construction or site work that affects an existing utility, pipeline, canal, grazing, mineral, transportation, or other recorded right, the applicant shall provide evidence of all necessary easements, relocations, releases, or written authorizations.
5. **Authorized Uses.** No use or activity may be established within an SDZ unless it is authorized by the approved SDZ Overlay and Development Envelope or other applicable land use approval. A change to an unauthorized use shall require review and approval pursuant to the applicable amendment procedures and shall not be approved as a Minor Revision under Section 17.37.055.
6. **Construction Activities.** Construction staging areas, laydown yards, construction-worker parking, temporary facilities, construction access, and other temporary construction activities shall be located and operated in accordance with the approved Development Envelope and Development Agreement.
7. **Compliance Verification.** Where required by the approved SDZ Overlay, Development Envelope, or Development Agreement, the County may require post-construction verification that the development has been constructed and is operating in accordance with the requirements of this chapter and the applicable approved plans, permits, and agreements.

B. Site Design, Setbacks, and Environmental Protection

1. Primary operational structures, heavy machinery yards, substations, power generation facilities, and other major utility or industrial equipment shall maintain a minimum setback of sixty (60) feet from property lines and public rights-of-way unless a greater setback is required by the approved Development Envelope, Development Agreement, building or fire code, or other applicable law.
2. Development shall avoid or adequately mitigate significant environmental constraints identified during SDZ review.
3. Where required by federal or state law or by an approved SDZ condition, applicable wildlife surveys, consultations, permits, and mitigation measures shall be completed before ground disturbance.
4. Prior to ground disturbance, the applicant shall comply with applicable federal and state cultural-resource requirements and implement approved cultural-resource protection and inadvertent-discovery procedures.
5. Clearing and grading shall be limited to areas authorized by the approved development plans and applicable phase.

C. Utilities, Energy, and Infrastructure

1. Utility Capacity. Prior to permit issuance, the applicant shall provide evidence that adequate electrical, natural gas, water, wastewater, telecommunications, and other required utility capacity is available to serve the proposed phase of development without creating unacceptable impacts to existing public services or utility reliability.
2. On-Site Generation. On-site power generation and energy storage facilities shall operate only as authorized by the approved SDZ Overlay and Development Envelope and in accordance with the Development Agreement. Facilities intended solely to support the approved development shall not be operated as independent commercial utility facilities unless such use is authorized by the approved SDZ Overlay and Development Envelope and applicable law.
3. Fuel and Industrial Pipelines. Fuel pipelines and other high-pressure or industrial utility systems shall be designed, constructed, and operated in accordance with applicable federal and state standards and shall include appropriate easements, safety setbacks, isolation valves, emergency shutoffs, and access for emergency response.
4. Utility Undergrounding. Electrical distribution lines, control wiring, and site interties operating below twenty (20) kV within the project boundary shall be installed underground unless the County determines that underground installation is technically or environmentally infeasible.
5. Emergency and Backup Generation. Backup generators shall be operated only for emergency or backup purposes and authorized testing and maintenance, except where a different operating schedule is specifically authorized by an applicable air-quality permit, building or fire code, or the Development Agreement.

D. Transportation and Roadway Protection

1. Access. Primary construction and operational access shall use routes approved through the Development Envelope or Development Agreement.
2. Heavy-Haul Routes. Roads used for heavy construction traffic shall be designed and improved to a standard sufficient to safely accommodate anticipated project traffic and shall be approved by the County Engineer.
3. Road Condition Baseline. Prior to substantial project-related heavy construction traffic on County roads, the developer shall document existing road conditions in a manner approved by the County Engineer.

4. **Roadway Maintenance and Restoration.** The developer shall be responsible for repairing damage to County roads caused by project construction or operations. Upon completion of construction, impacted County roads shall be restored to the condition established by the approved baseline or better.
5. **Financial Guarantee.** The County may require financial security sufficient to ensure completion of required roadway improvements and restoration obligations.
6. **Livestock and Open-Range Protection.** Where project traffic will utilize open-range roads, grazing areas, livestock movement routes, or other areas subject to livestock conflicts, the applicant shall implement the approved Livestock–Traffic Management Plan. The plan shall address traffic control, seasonal livestock movements, notification procedures, and measures to reduce livestock-vehicle conflicts.
7. **Public Rights-of-Way.** No public road or right-of-way may be vacated, relocated, or materially altered as part of an SDZ project until all required dedications, easements, approvals, and authorizations have been obtained and recorded.

E. Stormwater, Drainage, Dust, and Site Stabilization

1. **Stormwater.** Prior to grading or building permit issuance, the applicant shall obtain all required stormwater permits and approvals and shall implement an approved Stormwater Pollution Prevention Plan and engineered drainage plan.
2. **Drainage.** Development shall be designed to prevent increased off-site flooding, erosion, or uncontrolled discharge resulting from project construction or operation.
3. **Dust Control.** Construction activities shall comply with an approved dust control plan. The plan shall identify dust-control measures and anticipated construction water use.
4. **Grading and Disturbance.** Mass grading shall be limited to the approved development phase and shall include appropriate erosion and sediment controls.
5. **Revegetation and Stabilization.** Disturbed areas not scheduled for immediate construction shall be stabilized using appropriate vegetation or other erosion-control measures. Revegetation shall utilize seed mixes and practices consistent with applicable County noxious-weed requirements.

F. Fencing, Security, and Screening

1. **Security Fencing.** Critical infrastructure, substations, generator yards, fuel storage areas, energy storage systems, and other areas requiring restricted access shall be secured by a permanent fence or equivalent security barrier designed to prevent unauthorized access.
2. **Emergency Access.** Gated areas requiring emergency access shall provide approved emergency access devices, including Knox boxes or equivalent systems where required by the fire authority.
3. **Livestock Exclusion.** Where necessary to protect the development or prevent livestock intrusion, a separate perimeter fence shall be provided in accordance with applicable open-range and livestock fencing requirements.
4. **Screening.** Screening, landscaping, visual mitigation, or other site-design measures required by the approved Development Envelope or Development Agreement shall be installed in accordance with the approved plans and maintained for the life of the development.

G. Lighting and Glare

1. **Exterior Lighting.** Exterior lighting shall be limited to lighting reasonably necessary for safety, security, access, and operation of the facility.
2. **Fixture Standards.** Exterior lighting shall use fully shielded, downward-directed fixtures and shall minimize uplighting, glare, and light trespass.

3. Color Temperature. Exterior lighting shall not exceed 2,700 Kelvin unless a different standard is specifically approved through the SDZ approval process or established as a project-specific requirement in the Development Agreement.
4. Light Trespass. Lighting shall be designed so that illumination does not create unreasonable impacts on adjoining properties, public rights-of-way, residences, or designated scenic viewsheds. Maximum light-trespass levels established through the approved Development Envelope or Development Agreement shall be maintained throughout operation.
5. Glare. Buildings, solar equipment, exterior equipment, and other site improvements shall be designed and maintained to minimize direct or reflected glare affecting adjoining properties, public roads, residences, and designated scenic viewsheds.
6. Compliance Verification. Where required by the approved SDZ Overlay, Development Envelope, or Development Agreement, the County may require post-construction verification that lighting and glare controls have been installed and are operating as approved.

H. Air Quality, Hazardous Materials, and Environmental Compliance

1. State and Federal Permits. All development within an SDZ shall comply with applicable federal and state air-quality requirements. No construction, installation, operation, or other activity requiring an air-quality permit or approval shall commence until the required permit or approval has been obtained from the applicable regulatory authority.
2. Hazardous Materials. Hazardous materials, fuels, chemicals, coolants, and other regulated substances shall be stored, handled, and maintained in accordance with applicable law and approved spill-prevention and emergency-response plans.
3. Spill Prevention. Areas containing fuels, lubricants, coolants, chemicals, hazardous materials, or other potential pollutants shall include appropriate secondary containment and drainage controls sufficient to prevent releases from entering stormwater systems, natural drainage channels, groundwater, or adjacent properties.
4. Emergency Response. The operator shall maintain emergency-response procedures appropriate to the materials and equipment used on the site and shall coordinate those procedures with the applicable fire district and emergency-management agencies.

I. Fire Protection and Emergency Response

1. Fire Protection Plan. Prior to building permit issuance, the applicant shall obtain approval from the Fire Department having jurisdiction for a Fire Protection Plan addressing fire flows, emergency access, fire suppression systems, water storage, hydrant locations, hazardous materials, battery and energy-storage systems, and other site-specific fire hazards.
2. Emergency Access. Emergency access routes shall be designed and maintained in accordance with applicable fire and building codes and the requirements of the applicable fire authority.
3. Wildfire Protection. Where applicable, development shall comply with the County's Wildland-Urban Interface requirements and any site-specific wildfire mitigation measures approved as part of the SDZ.
4. Emergency Coordination. Facilities containing high-voltage electrical equipment, fuel storage, battery energy storage systems, hazardous materials, or other significant hazards shall maintain an emergency response plan coordinated with the applicable fire and emergency-management agencies.

J. Noise and Vibration

1. Noise Compliance. Noise shall be measured using recognized professional standards and equipment appropriate for the measurement. No SDZ use shall produce noise exceeding any of the

following limitations. Adequate setbacks, sound attenuation, equipment placement, or other mitigation measures shall be provided to comply with these limitations:

- a. 55 dBA, as measured at the property line of any neighboring residentially zoned lot;
 - b. 50 dBA, as measured at any existing neighboring residence between the hours of 9:00 p.m. and 7:00 a.m.;
 - c. 60 dBA, as measured at the property line of the SDZ; and
 - d. Noise generated by an SDZ use shall not exceed the established ambient sound level by more than 15 dBA at any existing neighboring residence. In no case shall the noise level exceed the maximum decibel levels established in this section. The ambient sound level shall be established through the required noise study using measurement locations and procedures approved by the County. The ambient sound level shall reflect typical existing conditions and shall not include temporary or atypical noise sources.
 - e. The Development Envelope or Development Agreement may establish more restrictive noise limits based on site-specific conditions.
2. Final Noise Study. Prior to issuance of a building permit for equipment or structures capable of generating significant operational noise, the applicant shall submit a final engineered noise study identifying existing ambient noise levels, anticipated noise sources, projected noise levels at applicable property lines and receiving properties, and proposed mitigation measures necessary to demonstrate compliance with the applicable standards at full operational capacity.
 3. Operational Certification. An independent as-built noise certification following commencement of operations for a phase of development shall be required.
 4. Vibration. Facilities that may generate significant ground-borne vibration shall be designed and operated to prevent damage to structures, public infrastructure, or other property and to minimize unreasonable impacts on surrounding properties.
 5. Corrective Measures. If monitoring or other evidence demonstrates that an approved noise or vibration standard is being exceeded, the operator shall take corrective action necessary to achieve compliance. The County may require modification, attenuation, isolation, or operational restrictions necessary to correct the violation.
 6. Construction Hours. Construction, heavy grading, mass excavation, pile driving, and similar high-impact activities shall occur only during hours established by the Development Agreement or applicable County standards, except for emergency work necessary to protect life, health, safety, or property.
 7. The County may establish technical methodologies for noise and vibration studies, monitoring, measurement, certification, and compliance verification by administrative standards

K. Water Resources and Water Supply

1. Water Availability. Prior to issuance of a building permit, the applicant shall demonstrate legally available and enforceable water rights or other lawful water supplies sufficient to serve the approved development.
2. Long-Term Water Supply. Where groundwater is used in a basin subject to a groundwater management plan or other state-administered limitations, the applicant shall demonstrate that the proposed water supply is reasonably capable of supporting the approved development for the anticipated duration of project operations established by the Development Envelope.
3. Water Consumption Limit. Cumulative operational water consumption attributable to an SDZ project, including data center cooling, auxiliary facilities, and dedicated power-generation facilities, shall not exceed 50,000 gallons per day on an average annual basis (56 acre-feet per year), unless a different maximum is expressly approved by the County Commission as part of the Development Envelope and water mitigation plan supported by applicable water-resource analysis and mitigation requirements.

4. Initial System Fill. Water used for the initial filling, commissioning, or testing of closed-loop cooling, fire-protection, or other permanent water systems shall be identified separately from operational water consumption. Initial fill quantities shall be disclosed as part of the application and shall be subject to applicable water-availability requirements and any limits established by the County.
5. Water Conservation. Facilities shall incorporate water-conservation measures and cooling technologies consistent with the approved Development Envelope, Development Agreement, and applicable standards of this chapter.
6. Water Monitoring. The operator shall monitor and report actual water consumption to the County and shall implement approved corrective measures if consumption exceeds authorized levels. Annual water use should be made publicly available on the county's website, or at another approved publicly available source.
7. Closed-loop cooling systems with limited evaporation shall be required unless the applicant demonstrates that a commercially available technology provides greater water-use efficiency. Once-through cooling systems are prohibited.
8. Water Mitigation Alternative
 - A. Mitigation Alternative. An SDZ development that cannot comply with the maximum water consumption limitation may propose a Water Mitigation Plan demonstrating that the development's anticipated groundwater depletion will be fully offset through legally enforceable mitigation.
 - B. Eligible Water Rights. Water rights used for mitigation shall:
 1. Have been historically exercised and beneficially used;
 2. Be located within the groundwater management area affected by the development, unless otherwise approved based on demonstrated hydrologic connection; and
 3. Be permanently retired, dedicated, or otherwise removed from use in a manner recognized by the Utah Division of Water Rights.
 - C. Mitigation Credit. Mitigation credit shall be based on demonstrated historical consumptive use or groundwater depletion, rather than the face value or maximum diversion amount of the water right. The County may require documentation necessary to verify the amount and permanence of the proposed mitigation. The County shall limit the amount of water rights that may be used for SDZ mitigation to protect water availability for existing and future lawful uses.
 - D. Development Agreement. An approved Water Mitigation Plan shall be incorporated into the Development Agreement and shall be a binding development obligation. Nothing in this section authorizes the use, change, transfer, or retirement of a water right without approval required by state law.

L. Wastewater and Industrial Liquid Management

1. Liquid Management Plan. Prior to issuance of a building permit for a facility generating industrial wastewater, process water, cooling-system fluids, or other regulated liquid waste, the applicant shall submit an approved Industrial Liquid Management Plan.
2. Prohibited Discharges. Untreated industrial wastewater, contaminated process water, cooling-system fluids, chemical solutions, petroleum products, or other regulated substances shall not be discharged to stormwater systems, natural drainage channels, washes, groundwater recharge areas, surface waters, or adjacent properties.
3. Containment. Facilities shall provide appropriate containment, drainage controls, treatment, recycling, reuse, storage, or disposal systems for all regulated liquid streams generated by the development.
4. Regulatory Compliance. All wastewater, treatment, discharge, recycling, reuse, or disposal activities shall comply with applicable federal and state permits and requirements.

M. Waste Management

1. Construction Waste. Construction activities shall comply with an approved Construction Solid Waste Management Plan addressing storage, containment, recycling, and disposal of construction materials and waste.
2. Operational Waste. Solid waste generated by the facility shall be stored and managed in a manner that prevents litter, off-site migration, nuisance conditions, or impacts to surrounding properties.
3. Hazardous Waste. Hazardous materials and waste shall be managed in accordance with applicable federal and state requirements and the approved SDZ emergency and spill-response plans.

N. Decommissioning and Site Restoration

This subsection ensures that the cost of removing structures and equipment and restoring the site of a development within an SDZ Overlay is borne by the operator and its sureties, and not by Iron County, if the development is abandoned, ceases operation, or its operator becomes insolvent at any stage from initial ground disturbance through the end of the project's life.

1. Decommissioning Plan. Prior to issuance of a grading permit or building permit for any phase, the applicant shall have an approved Decommissioning and Site Restoration Plan for that phase addressing removal, transportation, recycling, disposal, or lawful abandonment of buildings, structures, foundations, equipment, utilities, fuel systems and pipelines within the project boundary, substations and switchyards, energy storage systems, solar modules and associated equipment, and other specialized infrastructure upon cessation of the approved use. The plan shall identify the anticipated methods and locations for recycling, reuse, disposal, or other lawful disposition of decommissioned materials and shall include an Engineer's Estimate for the phase.
2. Financial Assurance. Prior to issuance of a building permit for each applicable phase, the developer shall provide acceptable security to the County sufficient to fund decommissioning and site restoration. Unless a greater amount is required by applicable law, the financial assurance shall be maintained at not less than 110 percent of the approved decommissioning cost estimate, including the estimated costs of removal, transportation, recycling, disposal, and site restoration.
3. Periodic Review. Decommissioning cost estimates and financial assurances shall be reviewed and adjusted every five years to account for inflation, changes in facility configuration, changes in recycling or disposal requirements, and changes in reclamation costs.
4. Salvage Credit Restrictions: During the initial five years of operation, there shall be no reduction or credit for scrap/salvage value. After five years, salvage value may be credited if backed by an independent certified appraisal, capped at a maximum of 25% of total financial assurance, and proof that assets are free of third-party liens or bank encumbrances.
5. Abandonment. The Development Agreement shall establish the period of inactivity or other conditions that constitute abandonment of the approved use and trigger the obligation to commence decommissioning. In the event of developer bankruptcy or insolvency, the County shall have authority to immediately draw upon the acceptable security.

O. Ongoing Compliance and Enforcement

1. Compliance with the standards of this section shall be a continuing obligation of the property owner and operator for the duration of the approved SDZ use.
2. Approval of a building permit or other construction permit does not relieve the owner or operator from compliance with the approved SDZ Overlay, Development Envelope, Development Agreement, applicable conditions of approval, or federal, state, or County law.

3. The County may require inspections, certifications, monitoring, testing, or other reasonable documentation necessary to verify continued compliance with the approved SDZ Overlay, Development Envelope, Development Agreement, and applicable standards.
4. A violation of the standards of this section, the approved SDZ Overlay, Development Envelope, or Development Agreement may be enforced through the remedies otherwise available under this title and applicable law.

Chapter 17.20 (Use Definitions)

~~Power Plant, Not Otherwise Listed~~ **"Power Plant, Commercial Utility"** means a facility or station that generates electricity from conventional or renewable energy sources, including but not limited to natural gas, steam, solar, wind, or geothermal power, for the primary purpose of wholesale or retail distribution to the public electrical grid. This definition explicitly excludes any facility utilizing nuclear fission or fusion reactors, hydrogen production or combustion, or chemical processing facilities. Any electrical generation facility utilizing nuclear, hydrogen, or unspecified non-traditional fuel sources is classified as an Unlisted High-Impact Industrial Use and may only be permitted via a legislative Strategic Development Zone process.

"Heavy Industrial Activity" means an industrial use involving large-scale manufacturing, processing, fabrication, assembly, extraction, refining, storage, or treatment of materials, products, or waste that is substantially more intensive than General Industrial Activity due to its scale, operational characteristics, infrastructure demands, or potential for off-site impacts. Heavy Industrial Activity may include uses that require substantial land area, significant utility capacity, specialized infrastructure, extensive outdoor operations, bulk material handling, heavy equipment, high volumes of freight transportation, or the use, storage, processing, or generation of hazardous materials or waste.

Examples of Heavy Industrial Activity may include, but are not limited to, metal processing or fabrication facilities, mineral processing, large-scale recycling or material recovery facilities, chemical or energy-related manufacturing, battery manufacturing, resource processing, and similar uses with comparable intensity or operational characteristics.